

STRATEGIC WORK SESSION AGENDA JANUARY 26-28, 2017
San Diego Sheraton Hotel & Marina
Catalina Room
1380 Harbor Drive
San Diego, CA 92101

THURSDAY, JANUARY 26, 2017	
2:00 – 5:00	Regulation and Discipline Committee (RAD) (Catalina Boardroom)
5:00	<i>DINNER</i> (Catalina Terrace) service 5:00 pm – 6:30 pm
6:00 – 9:00	BOARD OF TRUSTEES BUSINESS MEETING (Catalina Boardroom)
FRIDAY, JANUARY 27, 2017	
8:00 – 9:00	<i>BREAKFAST</i>
9:00 – 9:15	Vice-President / Treasurer - Introductory Remarks (Meyers / Lee)
9:15 – 12:15	<ul style="list-style-type: none"> • Recap / Discussion - Five-Year Strategic Plan / Goals & Objectives • Results of Board & Stakeholder Assessment (Walton)
12:15 – 1:15	<i>LUNCH</i>
1:15 – 2:45	Four Concurrent Break-Out Sessions:
	<ul style="list-style-type: none"> • <u><i>Topic I – TBD</i></u>
	<ul style="list-style-type: none"> • <u><i>Topic II – TBD</i></u>
	<ul style="list-style-type: none"> • <u><i>Topic III – TBD</i></u>
	<ul style="list-style-type: none"> • <u><i>Topic IV – TBD</i></u>
2:45 – 3:00	<i>BREAK</i>
3:00 – 4:30	Plenary Session: Trustee- Report Back from Break Out Sessions
3:00 – 3:30	<ul style="list-style-type: none"> • <u><i>Topic I – TBD</i></u>
3:30 – 4:00	<ul style="list-style-type: none"> • <u><i>Topic II – TBD</i></u>
4:00 – 4:30	<ul style="list-style-type: none"> • <u><i>Topic III – TBD</i></u>
4:30- 5:00	<ul style="list-style-type: none"> • <u><i>Topic IV – TBD</i></u>
7:00	<i>DINNER</i> (Catalina Ballroom)

SATURDAY, JANUARY 28, 2016	
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8:30 – 9:30	<i>BREAKFAST</i>
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10:00 - 3:00	Chief Trial Council Interviews & Discussion
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	* <i>LUNCH AVAILABLE</i>
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DATE: January 25, 2017
TO: Members, Board of Trustees
FROM: Elizabeth Parker
SUBJECT: Governance in the Public Interest Task Force (Discussion Item)

EXECUTIVE SUMMARY

By statute the 2017 Governance in the Public Interest Task Force must submit its report to the Supreme Court, Legislature and Governor by May 15. This shortened time-frame, coupled with questions remaining for discussion at the conclusion of the 2016 Task Force, have informed the decision to use the 2017 Task Force to complete the work of the 2016 Task Force. The agenda includes three topics which build on this earlier work: (A) creating a public protection definition; (B) considering Board structure and governance; and (C) review of sub-entities and the functioning of all State Bar committees. As this agenda was adopted, preparation to separate the sixteen State Bar Sections from the State Bar began. Thus the Task Force work must consider how this structural change will impact its work. Recognizing the role of the Task Force to inform the Board's annual planning efforts, and this year to develop a new Five Year Strategic Plan, the Task Force intends to share its preliminary thinking with the Trustees.

BACKGROUND

In 2011 Business and Professions Code section 6001.2 added a requirement that the State Bar of California create a seven member Governance in the Public Interest Task Force ("Task Force"), according to a statutory formula, with the following direction:

On or before May 15, 2014, and every three years thereafter...[to] prepare and submit a report to the Supreme Court, the Governor, the Assembly and Senate Committees on Judiciary that includes its recommendations for enhancing the protection of the public and ensuring that protection of the public is the highest priority in the licensing, regulation, and discipline of attorneys, to be reviewed by the Assembly and Senate Committees on Judiciary in their regular consideration of the annual State Bar dues measure.

Additionally, section 6001.2 (c) requires that the Task Force:

...shall make suggestions to the board of trustees regarding possible additions to, or revisions of, the strategic plan required by Section 6140.12.

The initial 2014 report was not prepared. Thus the 2016 report was completed in its stead. One earlier Governance in the Public Interest Task Force Report was completed in May 2011, pursuant to a statutory requirement in the 2011 State Bar Fee Bill.

The 2011 Task Force work focused on governance issues. In contrast, the 2016 Task Force concluded that governance, organizational structure and operations are interdependent; they must be considered together (*2016 Report at p.2*). Accordingly, the 2016 Task Force began its work by looking at the operational problems which a new executive team had identified in its first nine months in office as they worked to implement the Board of Trustees' mandate for reform.

Later, at the Board's request, staff identified nine fundamental operational problems with important implications for improving the State Bar's governance and structure. The nine issues below provided both the framework for the 2016 Task Force Report and created an agenda for reform which has been underway since adoption of the Report's recommendations by the Board at its September 2016 meeting:

1. The Perception and reality of an ineffectively managed discipline system
 2. Inadequate definitions of the Bar's "Public Protection" mission
 3. Proliferation of activities: lack of organizational coherence leading to "Mission Creep"
 4. A conflicting hybrid governance structure
 5. Confused reporting relationships hindering accountability
 6. Proliferation of committees, boards and commissions and over reliance on volunteers
 7. Restricted separate funding sources, creating cultural and procedural obstacles to financial and organizational management
 8. Inadequate development and support of human resources
 9. Inadequate resources to satisfy statutory backlog definitions.
- (*2016 Report at p. 3*)

Although much has been done to address the issues above since completion of the Report in August 2016, some recommendations must await legislative action.

Members of the 2017 Task Force (Fox, Broughton, LaBran, Mendoza, SeLegue and Steinbrecher) were selected at the Board's October 2016 meeting pursuant to statute. Now the 2017 Task Force is building on the work on the 2016 Task Force, addressing its "recommended other areas for further study (definition of public protection mission; review of committee framework and structure; board size; the silo impact of various funding sources) (*ibid, 2016 Report*); while also adding additional issues requiring attention and taking into account the important structural change brought about by the departure of the sixteen State Bar Sections.

DISCUSSION

The 2017 Task Force on Governance in the Public Interest has met twice and plans three additional meetings (February 9, March 8 and April 24) prior to the filing of its report on May 15. The first December 12 meeting created a schedule and an agenda, building on issues identified by the 2016 Task Force. Three topics will be examined in the context of a 'New State Bar' after departure of the sixteen State Bar Sections:

- A. *Clarification of the State Bar's public protection mission;*
- B. *Changes in Board composition, size and term of office (e.g. Public members, elected members, extended officer terms) for better functioning; and consideration of how new senior management positions, created in 2015 (a change in role for the Chief Executive Officer, the creation of a new Chief Operating Officer and adjusting the General Counsel role to require direct reporting to Board) may impact Board functioning.*

- C. *The role of various sub-entities (e.g. committees and volunteers) and their relationship to the State Bar, along with how the Board of Trustees and its own committees should be structured for improved functioning.*

The second January 17 meeting focused on Topic A. The Task Force discussion proceeded in two parts. First, a working definition of a new mission statement was developed. Next, the role of each of the State Bar's fourteen functional areas, as described in the 2016 Function Matrix, was evaluated against the proposed mission statement. The Task Force was mindful that the State Bar's 2011 statutory mandate now requires that discipline, licensing and regulation be the Bar's priorities in implementing its public protection mission. It was noted that earlier mission statements predated this change and lacked a public protection emphasis. The Task Force agreed that this new statutory language should be part of the mission statement. The Task Force adopted the following language as a working definition for a new mission statement:

The State Bar of California's mission is to protect the public through the following: proper licensing, regulation and discipline of attorneys, education to promote the ethical [and effective] practice of law; and promotion of access to legal services and the courts for all Californians.¹

The Task Force next considered the impact of this working mission statement on existing functional areas. With the Sections' departure, the 'New State Bar' will be able to emphasize regulatory, rather than associational, activities. Determining which functions to retain and which to include with the Sections as they depart, will ensure that the resulting 'New State Bar' has a clear and consistent focus so that all functional areas are properly aligned with the Bar's organizational mission.

Leah Wilson described each State Bar functional area so that the Task Force could explore how each supports the proposed mission statement. This analysis allowed the Task Force to make preliminary judgments about which functions were, or were not, consistent with the proposed mission statement and thus should continue as part of the New State Bar.

At the meeting's conclusion, the Task Force reached a tentative conclusion:

1. Seven functional areas should remain as a part of the State Bar after separation of the Sections: *Admissions, Discipline, Member Records and Compliance, Professional Competence, Client Security Fund, Judicial Nominees Evaluation and Mandatory Fee Arbitration.*
2. An additional five functional areas required further analysis to understand their priority in the new mission statement: *Mandatory Continuing Legal Education, Legal Specialization, Office of Legal Services, Diversity and Bar Relations, and Lawyer Assistance Program.*

¹ Some Task Force members questioned whether 'effective' should be retained in the mission statement, because it suggested a goal of ensuring professional qualification, arguably not part of public protection. This issue was reserved for later discussion.

3. Other functional areas were closely related to Sections activities and will likely depart together: *Legislative Activities, Sections, California Young Lawyers Association and Insurance and Affinity Programs.*

A new 2017 Function Matrix has been prepared to reflect these thoughts and focus the discussion.

One additional topic, education (both MCLE and education specifically designed to promote the ethical practice of law), was identified as a possible new functional area for the 'New State Bar after the Sections depart. Further discussion will be required to clarify how education will be handled once the Sections become independent because they are eager to assume responsibility for all statutorily mandated low or no-cost MCLE programs. They have expressed interest in having the State Bar discontinue all educational activities. A Task Force consensus developed that the 'New State Bar' should not provide education in substantive areas of law. These areas would be available for the Sections and other MCLE providers. The Bar should, however, retain the ability to provide education specifically focused on its public protection mission. This topic is noted below for further discussion

Additional issues and questions for future Task Force discussions follow.

- The Value of Education. Does all MCLE education for lawyers make a positive difference in ensuring the ethical practice of law? Has any examination of this question been undertaken? Should the State Bar continue to provide a limited amount of education to promote the ethical practice of law (e.g. either required for discipline purposes or closely aligned with public protection goals) and, if so, how should that be organized in State Bar functional units? What role should the Bar play in reviewing the educational content provided in MCLE courses?
- Supporting Mandatory Fee Arbitration. This is an important part of the discipline system, of greater benefit to consumers than attorneys. It does not generate revenue for the Bar and requires financial support. In the past, some large local bar organizations have helped to support this function, but their financial ability to continue doing so is in question. How will the State Bar support this function in the future?
- The Role of Semi-independent (or autonomous) activities. The California Commission on Access to Justice is an example of an entity, created by the Board, but which functions with limited or no oversight. What issues will such a relationship create for the 'New State Bar?' This will be discussed when the Task Force considers Topic C.
- The Future of Bar Relations. This function, as currently structured, will be discontinued in 2017 for loss of its funding and staff. The question of how and what relationship the State Bar will have with the 280 local voluntary bar associations should be considered. It may be a function for which the new Sections organization shares responsibility.
- Support for Diversity Initiatives. Further discussion is needed to understand how this work will fit into a new structure. Consideration of whether such diversity work would be better placed with the California Bar Foundation was suggested, given the Foundation's new strategic emphasis solely on diversity.
- Organizational Structure and Reporting Relationships. The State Bar's organizational structure is complex, with a large number of reporting relationships (i.e. 14 functional

areas). Has the State Bar become so big, with so many sub-entities and functions that a board cannot provide it with proper oversight? Would simplification improve staff's ability to manage the Bar more effectively? What approach to simplification could be explored? These questions will be considered when the Task Force discusses Topics B and C.

- Placement of Functions. If the decision is to retain rather than eliminate functions, steps should be taken to ensure each is properly placed, so that the organizational structure makes sense and functions effectively. As one example, the Task Force considered the issue of minority bar passage. It was suggested that this might better be placed in Admissions, rather than to exist as a stand-alone function. Such a change would help to ensure that the Board sets the agenda directly and 'owns' the work. As another example, the Task Force discussed the Lawyers Assistance Program. Would LAP's voluntary program be more successful in a separate independent entity, which could provide greater confidentiality for those seeking treatment?

ATTACHMENT(S) LIST

- A. [Governance in the Public Interest Task Force Meeting List](#)

Progress on 2016 Strategic Plan Goals and Objectives

Goal 1. Ensure a timely, fair, and appropriately resourced discipline and regulatory system.

- a. **Conduct and implement Workforce Planning for the discipline system.**
- b. **Review and implement a Classification and Compensation Study for the discipline system, as part of an organization-wide effort.**

In Progress. On May 13, 2016, the California State Bar (Bar) submitted a Workforce Planning Report (Report) to the California State Legislature as mandated under Business and Professions Code 6140.16.1. That statute also requires the Bar to implement workforce planning recommendations by December 31, 2016. As reflected in the January 26, 2017, Workforce Planning Implementation Status Update, significant progress has been made in advancing many of the Report's recommendations.

In Progress. Phase I of the Classification and Compensation Analysis, which addressed the Office of the Chief Trial Counsel only, was completed in May 2016. Phase II, comprising the remainder of the Bar, is nearing completion. This Phase incorporates Phase I findings with a broader set of recommendations addressing the entirety of the Bar's workforce. In general, Classification and Compensation Analysis results include recommendations for a reduced number of discrete classifications, articulated career pathways for State Bar employees, and salary adjustments to align State Bar compensation with that of comparable agencies.

- c. **Develop and implement transparent and accurate reporting and tracking of the health and efficacy of the discipline system, to include: (a) completion of the Annual Discipline Report and assessment of ways to enhance the process for the completion and review of future reports; (b) developing and implementing an appropriate backlog metric and seeking any needed statutory changes in regard to that metric; and (c) assessing ways to staff a dedicated data and research function.**

In Progress. Staff in the Office of Research and Institutional Accountability (ORIA) has taken responsibility for the production of the ADR to ensure transparency, consistency and accuracy of reporting. As part of this process, ORIA staff have worked with a subcommittee of the Regulation and Discipline (RAD) Committee to review possible legislative changes regarding ADR reporting requirements. In addition, this subcommittee has discussed additional measures of discipline system efficacy, beyond the backlog, which might be appropriate for the Bar to analyze and report.

Completed. The Bar completed a statutorily-mandated Backlog Report in May 2016. That Report identifies additional staff necessary to achieve various backlog reduction goals. The Bar submitted a request for funding needed to implement the case processing targets identified in the Backlog Report in its supplemental Supreme Court petition, filed in October 31, 2016.

Completed. With the creation of ORIA, the Bar has established a dedicated data and research arm. ORIA staff has begun automating the extraction, transformation and reporting of discipline system data to ensure greater accuracy and reliability in the data. ORIA staff has also begun a redesign of the monthly reports on the discipline system that are sent to the Regulation and Discipline Committee to ensure that the data are focused on public protection and more easily understood. In addition to the work being done on the data underlying the discipline system, ORIA staff will launch a workload study for the Office of the Chief Trial Counsel beginning in 2017, designed to provide for the build out of a more qualitative Backlog Report with quantitative time study data.

d. Develop and deploy a new case management system for Office of Chief Trial Counsel and State Bar Court.

In Progress. The contract between the State Bar and Tyler Technologies, Inc. for the Case Management System for the Office of the Chief Trial Counsel, the State Bar Court, and the Office of Probation became effective on December 16, 2016. The Bar has hired a dedicated project manager to lead the effort; the official project kick-off will occur during the first week of February.

e. Expediently refine, adopt and implement phased-in and/or modified Task Force on Admissions Regulation Reform (TFARR) recommendations.

Completed. The Board has taken action on all three TFARR recommendations as follows: 1) the Board adopted a new MCLE requirement for attorneys within their first year of practice, to go into effect February 2018. Under this new requirement, attorneys will have to complete 10 hours of State Bar-prescribed MCLE during their first year of practice; 2) the Board referred the question of pre-admission competency training requirements to the Committee of Bar Examiners (CBE), specifically asking the CBE to consider application of the ABA's 6-hour competency training requirement to California accredited and unaccredited schools and CBE report back to the Board of Trustees at the Board's July 2017 meeting; and 3) the Board deferred action on TFARR's pro bono recommendation given the pendency, and subsequent veto by Governor Jerry Brown, of a similarly constructed statute.

f. Manage the review, recommendation for Supreme Court adoption, and promulgation of new Rules of Professional Conduct as prepared by the Rules Revision Commission.

In Progress. At its June 23, 2016 meeting, the Board of Trustees voted to send the Rules Revision Commission's comprehensive set of 68 proposed rules out for 90-day public comment. After the end of the comment period, the Commission reviewed the public comments received. The Commission revised some of the proposed rules and left others unchanged. At the Board's November 17, 2016 meeting, the Board considered the Commission's recommendations. The Board adopted 36 proposed rules and authorized an additional 45-day public comment period

for 34 proposed rules. These 34 rules included two new proposed rules drafted by the Commission after the original set of 68 rules were sent out for public comment. The 45-day public comment period ended on January 9, 2017. The Commission will review the comments received at its January and February meetings. It is anticipated that the Board will consider the Commission's final recommendations at the Board's March 9 -10, 2017 meeting.

Rule 5-110, requiring that prosecutors disclose exculpatory evidence, regardless of its materiality, was submitted to the Supreme Court on January 9, 2017. Although it has been docketed, the Supreme Court has yet to act on it.

g. Complete full implementation of the Auditor's 2015 recommendations.

Completed. As of March 2016, the State Bar had implemented all seventeen of the State Auditor's 2015 recommendations.

h. Consider and implement the most effective mechanism for ensuring compliance with MCLE requirements.

In Progress. At their joint March 2016 meeting, the Admissions & Education and Regulation and Discipline committees, adopted MCLE Compliance Audit financial penalties. Specifically the Committees approved the assessment of a standard MCLE noncompliance fee of \$75 to those members selected for MCLE Audit whose audit submission is filed after the initial audit deadline and an additional MCLE Audit Deficiency Fee of \$200 to be applied to those members selected for MCLE Audit whose audit submissions are deficient by any number of hours. Additionally, staff reported to the Trustees that going forward only the most egregious cases, where there was evidence of dishonest reporting, would be referred for review to the Office of the Chief Trial Counsel.

In addition, staff has advanced a workforce planning recommendation to require MCLE providers to electronically report attendance directly to the State Bar. Meetings have been held with MCLE providers to discuss issues to be considered in a transition to this new reporting process, as well as the functional requirements for an online system that would serve as the reporting platform. Deployment of such a platform would preclude the need for the Bar to perform manual audits, and enable 100 percent audit coverage, thus enhancing the Bar's regulatory oversight of attorney compliance with MCLE requirements. Given a number of other competing IT initiatives, this project is still in a planning phase.

Goal 2. Proactively inform and educate Stakeholders about the State Bar’s responsibilities, initiatives, and accomplishments.

a. Develop and implement a Communications Strategy Plan for timely and effective external and internal communication.

Ongoing. The Office of Communications will develop a strategic communications plan following the 2017 Board Strategic Planning retreat, to ensure that priorities are in alignment. The communications plan and accomplishments in 2016 include:

- Media relations: increased communication with statewide and regional reporters to share updates on attorney discipline in their geographic area.
- Promotion of attorney ethics rules revision process to reporters and the public, resulting in widespread media coverage in the Associated Press, LA Times, Capitol Public Radio, Huffington Post, and KQED radio.
- Expanded consumer know your rights outreach regarding about preventing UPL fraud (see more below).
- Reducing the delays in monthly reporting on attorney discipline in the California Bar Journal so that the information is up to date on attorneys who have been disbarred, suspended, or put on probation.
- Editorial strategy for the California Bar Journal to better align articles and coverage with the State Bar’s public protection mission.
- Concluding a long-standing advertising contract in the California Bar Journal: this will help ensure that the State Bar's online publication aligns with the agency's public protection mission and regulatory function. The advertising will conclude in December when the contract expires.
- Internal communications: more frequent direct updates to staff from State Bar leadership to ensure that staff are informed about major items impacting the Bar. Additionally, we have improved the timeliness and frequency of communication with the Board of Trustees.
- Social media: increased information shared with the public and attorneys via the State Bar’s social media channels to reach both the public and attorneys. This includes information about attorney discipline, the Client Security Fund, consumer know your rights information, and more.
- Promoting consumer know your rights information, including how to protect yourself from fraud, how to find an attorney, and how the State Bar can help in the case of attorney misconduct.
- Overhaul of State Bar website (see below).
- Launched an electronic legislative newsletter to provide district specific information about attorney discipline and State Bar resources to every legislative district, as a resource to staff and constituents.
- Implemented CPRA

- Launched regular Board Blasts to update the Board of Trustees via email.
- Increased email communication to all staff regarding at key moments, such as the fee bill process.
- Built a bank of talking points and messages regarding issues related to the State Bar and the work of the agency.

b. Manage and support the 2016 Governance in the Public Interest Task Force and its recommendations and continue to address the implementation of the California Public Records Act and Bagley-Keene Bar-wide.

Completed. The 2016 Governance in the Public Interest Task Force (GIPITF) report included a number of recommendations for reform. Although many of these could not be effectuated absent statutory change, several could be implemented by actions of the Board of Trustees. On September 12, 2016, those GIPITF recommendations that could be advanced by the Board were considered as well as suggested next steps as related to their implementation. They included: (1) Establishment of an enhanced orientation and training for State Bar Trustees; (2) Assessing key reporting relationships, assigned to the Regulation and Discipline Committee for report back to the Board at its January 2017 planning meeting; (3) Further clarification of the Bar’s Public Protection Mission, assigned to the Executive Committee for report back to the Board at its January 2017 planning meeting; (4) Addressing the impacts of “Silo Funding,” assigned to the Stakeholders, Access to Justice, and Appointments, and Planning and Budget Committees for report back to the Board at its January 2017 planning meeting; and (5) Determination of funding adequacy for the State Bar Discipline System, assigned to the Planning and Budget Committee, with progress reports to be provided to the Board at each of its meetings. Other recommendations were deferred for subsequent study or legislative action.

Ongoing. The Office of General Counsel continues to provide guidance on, and to monitor compliance with, both the California Public Records Act and Bagley-Keene Open Meeting Act. The office has implemented processes throughout the agency to ensure compliance and provided ongoing advice and ad hoc training as needed to the State Bar’s staff, standing committees, section executive committees, and special committees, boards and commissions. The Board of Trustees, with the advice of the Office of General Counsel, continues to revise its operating procedures to align the requirements of the Open Meeting Act with its duties as a regulatory body.

c. Redesign the State Bar website to improve access, legibility and utility for all stakeholders.

In progress. The website redesign is to be completed in May 2017. The vendor, Project 6, has created page mockups which have been reviewed by staff to ensure the design and navigation meets departmental needs and goals. The designs will be fully mobile responsive (which will allow for easier navigation for both attorneys and the public, and better serve individuals who

only have internet access via their mobile phones), and more accessible to people with visual impairments and other disabilities. A beta version of the website is expected to be available for stakeholder review, including the Court, in April.

The website overhaul will include greater language access, particularly for information geared to the public, for the top 6 languages spoken in California.

The State Bar Court will also update its website in 2017 to match the new look and feel of the main State Bar website.

- d. Continue to play an appropriate role in preventing and remedying the unauthorized practice of law in cooperation with law enforcement agencies empowered to prosecute this crime, and to continue dialog with the Legislature and other Stakeholders about the Bar's statutory authority and appropriate role in this area.**

In Progress. Developing a fact sheet regarding the Bar's role and authority to address, help prevent, and inform Californians about notario fraud and other unauthorized practice of law issues.

The fact sheet outlines that State Bar of California addresses the problem of unauthorized practice of law (UPL) in these key ways:

- New UPL protocol, intake + investigation procedures
- Immigration hotline (English and Spanish, currently)
- Referring cases to law enforcement for prosecution
- Taking over the practice of UPL scammers
- Consumer know your rights information
- Close coordination with law enforcement
- Outreach to impacted communities

In 2016 OCTC staff in the Intake Unit received more than 580 new Unauthorized Practice of Law (UPL) cases while closing or forwarding to the Enforcement Unit over 850 of these cases. 180 of these complaints were related to immigration.

Also in 2016, the Bar hosted a UPL summit, which focused on how the Bar can more effectively partner with legal service organization on the identification, reporting, and investigation of UPL, particularly as related to vulnerable immigrant communities. After that summit, Bar leadership attended a statewide meeting of California District Attorneys to discuss more effective partnerships with law enforcement in the prosecution of UPL.

Staff in the Office of Communications paired with OCTC staff to update and promote consumer know your rights information about unauthorized practice of law. This resulted in a series of interviews with the Univision TV station in Fresno – reaching monolingual and bilingual Spanish speakers and immigrant communities in the Central Valley.

The Office of Communications is developing plans to reach out to other Spanish language media and ethnic media with this information about how people can avoid notario and UPL fraud, and what to do if it happens. A recent [Voice of OC article](#) highlighted the Bar's resources in this area. The updated State Bar website (see more below) will also feature more accessible and streamlined consumer know-your-rights information. This information will be multilingual (available in the top 6 languages spoken in California) and will include a feature on avoiding UPL fraud and how to file a non-attorney complaint.

OCTC has implemented a new protocol to assure the efficient tracking and handling of complaints about non-attorneys engaged in UPL. A new, dedicated UPL team evaluates and investigates UPL complaints to determine whether there is a remedy within the Bar's statutory authority that OCTC can pursue. OCTC has expedited UPL referrals to law enforcement and other enforcement authorities, and increased the number of such referrals over the past year. In addition, OCTC has improved communications with the U.S. Citizenship and Immigration Services and the U.S. Executive Office for Immigration Review to refer ethics complaints about attorneys who represent clients in immigration matters, but are not licensed in California.

Goal 3. Improve fiscal and operational management, emphasizing integrity, transparency, and accountability.

- a. Complete the Workforce Planning and Classification and Compensation Studies. Develop and implement action plans to improve personnel and fiscal resource utilization.**

See Goal 1. a. and b. above.

- b. Improve productivity through performance accountability, training, and professional development.**
- c. Improve staff morale and career satisfaction through recognition of performance, career path development, and transparent and collaborative communication.**

In Progress. A voluntary employee survey was issued in late 2015. The goal of the survey was to identify the most pressing issues facing the State Bar's work force, ways to improve efficiency, and to increase employee job satisfaction and performance. Nearly 100% of the workforce responded to the survey. The survey responses revealed a high level of employee commitment to the important work of the State Bar. The responses also identified areas for improvement in training, work distribution, and clarity of performance standards.

In 2016, Elizabeth Parker and Leah Wilson led a multi-step effort to develop an Action Plan to address the themes and concerns raised by the survey and from other feedback and recommendations from employees. In early 2016, they hosted individual and group meetings

with all executive and supervisory staff to solicit their input on employee engagement and satisfaction; the results of these conversations were reported to the Senior Executive Team, allowing the identification of several key management themes.

The Senior Executive Team held an initial half-day meeting on May 17, working with a management consultant. The goal was to draft an Action Plan to address four key themes:

- Performance Accountability;
- Recognition and Advancement;
- Training and Professional Development; and
- Effective and Transparent Communication and Collaboration.

An all-day Executive Staff Retreat followed on July 14 and focused on further refining the Action Plan. Additional meetings were held in Los Angeles and San Francisco that included all managers, supervisors, and interested line staff to solicit further input and feedback on the Action Plan. These meetings were enthusiastically received with a high level of thoughtful, constructive participation.

We are in the early phases of implementing the Action Plan, including working to improve employee orientation and training; developing training for supervisors and managers; and updating and improving the performance evaluation system.

In Progress. The State Bar has recently hired a Senior Human Resources Specialist with experience in training and professional development. Responsibilities will include advancing the Action Plan for Employee Engagement including developing a training and professional development plan for State Bar employees; identifying and prioritizing staff training needs; developing and delivering training content, as well as vetting and securing external training and professional development resources; and working with individual employees in support of their identified State Bar career goals.

Additionally, as noted in Goal 1. a., Phase II of CPS HR Consulting's Classification and Compensation Analysis is nearing completion. This Phase addresses the entirety of the Bar's workforce and includes recommendations for articulated career pathways for State Bar employees.

- d. **Reallocate funds to reflect expenditure review, new reserve policy, and other reengineering efforts.**

Ongoing. As reflected in the 2017 budget, efforts to closely examine expenditures continue. The 2017 budget includes over \$2 million in professional services reductions effectuated pursuant to this Objective.

Completed. The Board adopted a new reserve policy on July 24, 2015. In 2016, the Board directed reserve spend-downs and transfers pursuant to the reserve policy.

Ongoing. A number of business process re-engineering efforts are underway designed to determine the optimal way to organize work in order to maximize the efficient use of resources and outcomes. In 2016, these efforts were centered on the evaluation of how the Bar processes high-volume calls. Pursuant to the call analysis, the Bar is transitioning to a centralized call center, designed to improve efficiency and customer service. Additional reengineering efforts include a review and restructure of the Bar's collections processes.

- e. **Clarify and harmonize policy and regulatory mandates impacting the Bar arising from: Statute, Changes in Board composition and leadership (including Board Book review and update), and Management policy directives.**

Partially Implemented. The State Bar of California's Board of Trustees Policy Manual (commonly referred to as the "Board Book") is a compilation of statutes, Rules of the State Bar, and other policies and procedures adopted by Board resolutions that govern the operations of the Board and its oversight of the State Bar. The Board Book is intended to be a reference manual for Board and State Bar staff to readily find these various provisions. Staff has reviewed the Board Book and updated the structure, making it more user-friendly and better organized. In addition, staff is currently reviewing provisions contained in the Board Book to ensure consistency with governing statutory provisions. The ultimate goal is to make the Board Book available to the public to increase transparency and knowledge regarding the operations of the State Bar. The Board Book Phase II - Policy Review began at the Trustees' November meeting and will continue throughout the 2016-17 Board year.

- f. **Develop a three-year technology plan to use appropriate technology to facilitate information sharing and records management. Ensure sufficient funding for the plan and staff training to support its implementation.**

Completed. The Office of Information Technology (IT) has developed a Three Year Technology Plan; see attached.

- g. **In conjunction with annual budgets, ensure maintenance and use of the Bar's Los Angeles and San Francisco buildings to maximize benefit to the Bar and the people of California.**

In progress. State Bar staff is currently using funds from the \$10M Bank of America loan to finance renovations on two vacant floors at its San Francisco headquarters building at 180 Howard Street. The renovations currently underway will bring the floors to “warm shell” condition (major building systems in place and other landlord-required work complete), so that the floors can be leased to third party tenants and “tenant improvements” (office space build outs) can commence. Both floors are ready for tenant improvements, and if leases are signed shortly thereafter, occupancy and rent commencement will occur in spring 2017. The 2017 budget includes \$1.7 million in capital improvement funding for the Howard Street building, representing the minimum investment needed to appropriately maintain the building.

Goal 4. Support Access to Justice and improvements in the Justice System.

a. Support increased funding and enhanced outcome measures for Legal Services.

Ongoing. Over the past year, the State Bar has been instrumental in increasing funding for legal services programs. Working with individuals and organizations across the State including the Legal Aid Association of California (LAAC), in 2016, the Bar helped secure a one-time \$5 million general fund increase in the Equal Access Fund which provides funding for legal services throughout the state.

State Bar staff, working with the California Commission on Access to Justice and the LAAC, has also been working to unlock new federal funding sources for legal aid. As a result, over \$20 million in new RFPs were issued by the California Office of Emergency Services that allowed legal services organizations to compete for funding for work with crime victims and survivors. Significantly, one of the new RFPs provided for \$10 million earmarked for legal assistance. To date, nearly \$7 million of the new funding has been awarded to IOLTA-funded legal services programs.

In July 2016, staff worked with the Legal Services Trust Fund (LSTF) Commission to make an additional \$3 million of bank settlement funds available for distribution through a Request for Proposal (RFP) process. Including this round of funding, a total of nearly \$12 million in grants to support legal services work in the areas of foreclosure prevention and community economic redevelopment has been awarded. Staff and the LSTF Commission are engaged in a grant planning process with approximately 80 legal services organizations to identify regional and statewide programs that could be funded with the remaining \$32 million of bank settlement proceeds.

- b. Support increased Access to Justice by working with the California Commission on Access to Justice, Council on Access and Fairness, and Standing Committee on the Delivery of Legal Services, to identify and develop programs for implementation by partner organizations.**

Ongoing. In 2016, the Council on Access and Fairness (COAF) focused on the creation of a pilot mentoring program partnering with local and minority bar associations and has identified two bar associations for the initial pilot (Alameda County Bar Association and Asian Pacific American Women Lawyers Alliance). COAF also continued to support California Bar Foundation efforts to create a pilot bar passage program focusing on extensive essay writing skills and has developed plans to work with a team of researchers from Stanford University and Indiana University to augment the bar exam process by introducing psychological interventions to help improve the passage rate among students from diverse backgrounds. While these efforts will continue in 2017, the pace will be decelerated, as there is not currently an ongoing and sustainable funding source for this work.

In 2016, California Commission on Access to Justice efforts included working on identifying additional resources to support rural legal services and developing best practices for promoting language access in the justice system beyond the courtroom.

In 2016, the Standing Committee on the Delivery of Legal Services (SCDLS) conducted preliminary research regarding mandatory pro bono reporting and its impact on increasing pro bono service, and partnered with legal services organizations and other subject matter experts to design and facilitate free, high-quality training for legal services lawyers, pro bono counsel, and other advocates.

- c. Support adequate funding of the Client Security Fund.**

Ongoing. A request for an increase in Client Security Fund (CSF) funding was included in the Bar's Supplemental Supreme Court petition. Also in 2016, transfers of excess reserves from other Funds were made to augment the CSF, pursuant to the Board's reserve policy. Collections activity was also increased in 2016, with improved collections benefiting the CSF reserve balance.

The IT Technology Plan (ITTP)

2017 - 2019



The IT Technology Plan (ITTP) identifies four goals, their respective objectives, and key strategies. The ITTP focuses on strategies pivotal for creating the effective use of existing and emerging technologies. We will strive to balance “commodity” IT services that are vital for smooth day-to-day operations and leveraging new, innovative technological solutions. The ITTP provides strategic and tactical ideas based on a high-level framework. It does not address the resource needs; it is understood that new resources and the re-allocation of some existing resources will be required to execute strategies and accomplish projects identified in the plan. The effectiveness of any strategic plan also requires careful and timely execution; an accompanying operational plan (to be developed) outlines how the ITTP goals and objectives will be accomplished.

The ITTP is guided by four overarching strategic goals:

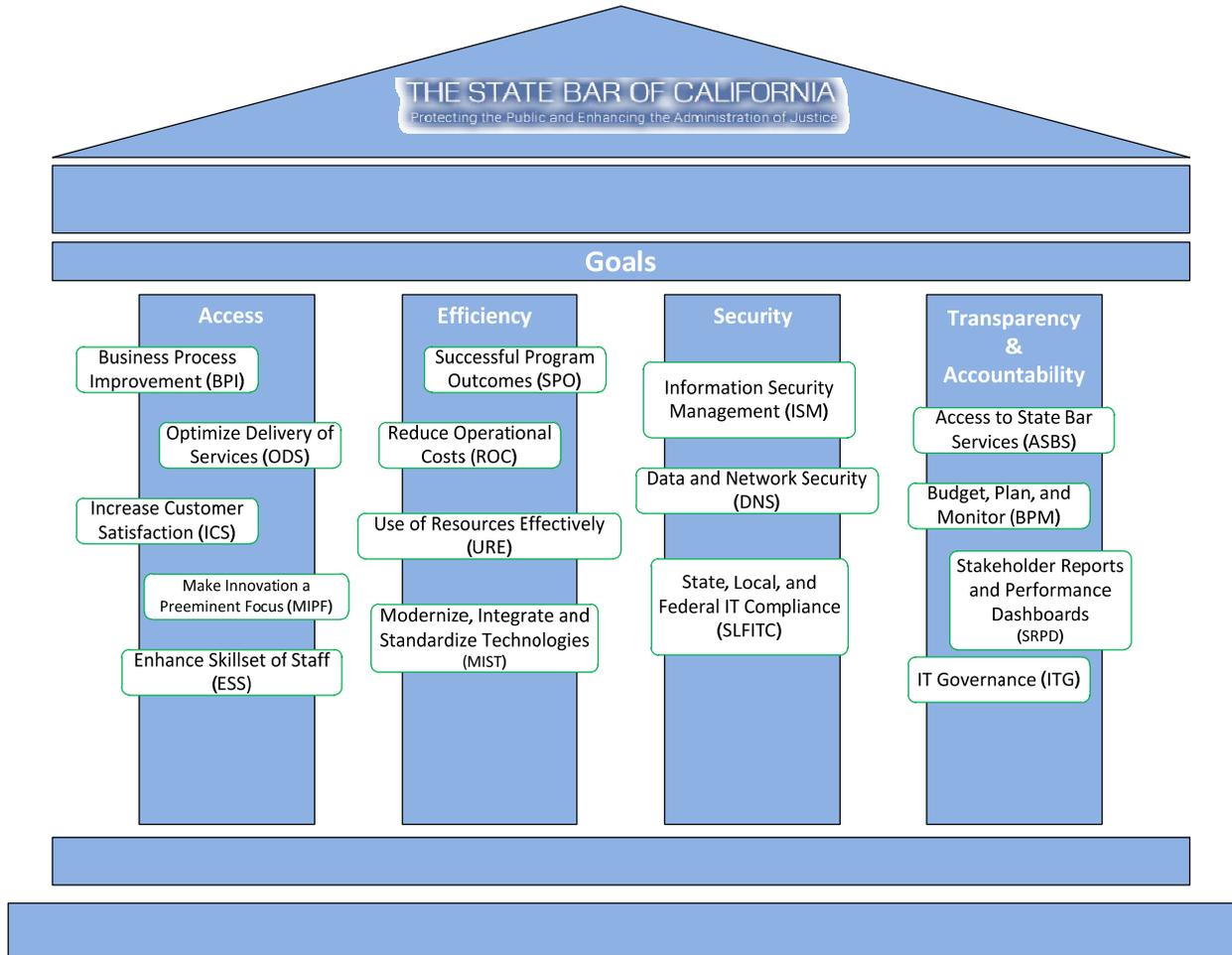
1. Increase Access to State Bar Services
2. Increase Efficiency, Transparency and Accountability
3. Ensure Security of Data and Systems
4. Effectively Budget, Plan, Monitor and Support IT Resources

The goals, and corresponding objectives, are outlined below. Each objective is coded to specific sub-goals that can be found on attached Goal Pillars document.

Goals	Objectives
Increase Access to State Bar Services	<ol style="list-style-type: none"> 1. Web Redesign (ICS, ODS, ROC, ASBS) 2. E-Signatures (ICS, BPR, MIST) 3. Automating paper processes not addressed through CMS (BPR, MIST) <ol style="list-style-type: none"> a. LLC, Pro-Hac Vice, etc. 4. MyStateBar Profile Upgrade (ICS) 5. Enhance Agency Billing (ICS, ROC, URE) 6. MCLE Provider Reporting Platform (URE, ROC, MIST) 7. Replace MRC System (ODS, ICS, ROC, URE, MIST, SRPD)
Improve Efficiency, Transparency, and Accountability	<ol style="list-style-type: none"> 1. Develop metrics and quantitative measures to establish the effectiveness of IT projects. (ITG, SRPD) 2. Complete System Documentation for Legacy and New Applications, and its supporting infrastructure. (SLFITC) 3. Develop plan for transition/integration of all legacy systems. (ROC, MIST) 4. Deploy Case Management System (ODS, ICS, ROC, URE, MIST, SRPD) <ol style="list-style-type: none"> a. Tyler Odyssey for OCTC, SB Courts, and Probation b. Admissions AIMS 5. Replace the ERP (ODS, ICS, ROC, URE, MIST, SRPD) <ol style="list-style-type: none"> a. Implement critical upgrades sooner (HR Recruitment) 6. Replace KOALA system (ODS, ICS, ROC, URE, MIST)

Goals	Objectives
Ensure Security of State Bar Data and Systems	<ol style="list-style-type: none"> 1. Ensure Network and Security Infrastructure is secure (ISCM, NDS) <ol style="list-style-type: none"> a. Security Assessment and Mitigation Plan 2. Continuity of Operations (COOP) (ISCM, NDS, SLFITC) <ol style="list-style-type: none"> a. Develop Continuity of Operations Plan b. IT Disaster Recovery Plan c. Backup and Recovery Plan
Effectively Budget, Plan, Monitor and Support IT Resources	<ol style="list-style-type: none"> 1. Identify funding sources for approved Strategic Plan projects. (BPM, ITG) 2. Institutionalize Ongoing Funding for Routine Technology Refresh (BPM, ITG) <ol style="list-style-type: none"> a. Infrastructure Refresh (i.e. Desktop, Printers, Servers, Networks, etc.) b. Software Refresh (i.e. Microsoft, IBM, COTS, etc.) c. Data Center Environment 3. Leverage technologies and information resources, and explore opportunities to reduce operational expenditure. (ODS, MIPF, ROC) <ol style="list-style-type: none"> a. Full capacity for video conferencing between LA and SF. b. Lower web hosting costs. c. Re-use/Re-purpose existing technologies where applicable. d. Deploy “As-a-Service” Model (SaaS, PaaS, IaaS) 4. Adequately Staff OIT (URE) <ol style="list-style-type: none"> a. Hire staff with the right skillsets for the job. b. Discontinue use of contractors. 5. Enhance Staff Skillset (ESSS, URE) <ol style="list-style-type: none"> a. Training b. Mentoring

IT Goal Pillars



IT Roadmap 2017 – 2019

TECHNOLOGY ROADMAP

IMPACT KEY NO IMPACT ■ LOW ■ MEDIUM ■ HIGH ■

