

**LAWYER ASSISTANCE PROGRAM OVERSIGHT COMMITTEE
THE STATE BAR OF CALIFORNIA**

AGENDA

**Saturday, June 10, 2017
9:00 a.m. – 12:00 p.m.**

The State Bar of California
180 Howard Street
Sections Conference Room, 4th Floor
San Francisco, CA 94105

- I. Call for Public Comment (Hsieh)
Members of the public may speak to any item on the agenda. The Chair reserves the right to limit the duration of public comment period.

- II. Consent
 - A. Roll Call
 - B. Approval of Minutes of March 4, 2017 (Attachment A, pp. 1-3) (All)

- III. Chair's Report (Hsieh)
 - A. 2017 National Conference for Lawyer Assistance Programs
October 17-19, 2017—Kansas City (Attachment B, p. 4-5)

- IV. Staff Report (Attachment C, pp. 6-28) (Hull)

- V. Action Items
 - A. Strategic plan implementation (Attachment D, pp. 29-30)
 - i. Appointment of subcommittees
 - 1. Development and Design
 - 2. Outreach and Education
 - a. Terry Lewis
 - ii. Discussion with Patrick Krill re implementation of strategic plan
 - B. Release of LAP data to Office of Research and Institutional Accountability

- VI. Discussion/Information Items

Agenda June 10, 2017

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Next committee meeting:

DATE: Saturday, September 23, 2017
TIME: 9:00 a.m. – 1:00 p.m.
LOCATION: The State Bar of California
845 South Figueroa Street, 2nd Floor
Los Angeles, CA 90017

**LAWYER ASSISTANCE PROGRAM (LAP) OVERSIGHT COMMITTEE (OC)
THE STATE BAR OF CALIFORNIA**

MINUTES

**March 4, 2017
9:00 a.m. – 11:00 a.m.**

The State Bar of California
180 Howard Street, Room 4D
San Francisco, CA 94105

The State Bar of California
845 South Figueroa Street, Room 2A
Los Angeles, CA 90017

Conference Call

Members Present:

San Francisco:

Stewart Hsieh (Chair), Justin Delacruz, Hon. Lawrence Terry, Alan Steinbrecher (BOT Liaison)

Los Angeles:

Dr. Rob Burchuk (Vice Chair), Terry Lewis, Tracy LeSage, Dr. Phil Spiegel

Phone:

Andy Besser, Dr. Kellie Condon, Joanna Mendoza (BOT Liaison)

Members Not Present: Sara Ramirez Giroux, Jason Kletter, Sandy Wood

Staff Present:

Justin Ewert (phone), Michelle Harmon (LA), Doug Hull (SF), Dag MacLeod (phone), Leah Wilson (SF), Colin Wong (SF)

The meeting was called to order at 9:00 a.m. by Chair Stewart Hsieh

I. Call for Public Comment

There was no request from the public to address the committee

II. Consent

a. Roll Call

The quorum was met.

b. Approval of November 19, 2016 and December 10, 2016 meeting minutes

Minutes March 4, 2017

Page 1

Judge Terry asked that the subcommittee minutes from December 10, 2016 strike a reference that he was going to write a letter. The minutes were approved with that modification.

III. Chair's Report

Mr. Hsieh welcomed everyone to the committee. No further report was presented.

IV. Director's Report

a. Annual Report

Mr. Hull discussed the Annual Report which was submitted to the legislature on March 1, 2017 as required by Statute. A cover memo signed by Stewart was included with the report. Doug thanked Dag MacLeod for all of the work he performed in the generation of this report.

There were updated statistical reports relating to LAP case inventory attached to the agenda generated by Dag. The new reports were informative. One committee member requested that the font of the report to be a bit larger. Staff offered to address that issue for the next meeting.

b. Total Amount Loaned

Doug discussed the numbers relating to the outstanding balance owed from the loans. Converting these debts into judgments has proven to be difficult, especially in light of the confidentiality of the program. Dr. Spiegel questioned how many of those who owe money are still in recovery. As part of their process, it's important for them to pay that back. Staff agreed to explore with Wakefield the possibility of getting a breakdown of those accounts that are in active collection vs. those that they've stopped working on.

V. Action Items

a. Strategic Plan

The Strategic plan, as attached to the agenda, was unanimously approved by the Oversight Committee.

VI. Discussion/Information Items

The committee discussed other issues relating to the operation plan that should be developed in light of the adoption of the strategic plan. Program design and development and outreach and education are two main efforts to be effectuated.

Leah Wilson discussed the option of spinning the program off into a 501(c)(6). That issue could be considered more fully later. She also discussed the concept of leasing space offsite for LAP in Los Angeles.

Judge Terry commented that the program needs to grow the numbers.

Other members commented that a speakers bureau should be created.

The subcommittee structure that was used in the development of the strategic plan should be continued:

- Program design and development
- Outreach and education

Terry Lewis agreed to participate in the Outreach and Education subcommittee.

Dr. Spiegel recommended talking the CoLAP and looking at what other states do for outreach. He recommended that staff should attend the CoLAP annual meeting in Kansas City.

Dr. Burchuk mentioned using a resource library for materials. Doug said he would work to review materials that already existed to see what might be used as a basis for training materials for use in presentations.

The meeting adjourned at 10:15 a.m.

Next committee meeting:

DATE: Saturday, June 10, 2017
TIME: 9:00 a.m. – 12:00 p.m.
LOCATION: The State Bar of California
180 Howard Street, Suite 4D
San Francisco, CA 94105

[Home](#) > [ABA Groups](#) > [Commission on Lawyer Assistance Programs](#) > [Events & CLE](#) > [Conference Overview](#)

National Conference for Lawyer Assistance Programs



Credit: David Arborgast

2017 National Conference for Lawyer Assistance Programs

Lawyers Helping Lawyers in Kansas City

October 17-19, 2017

Sponsored by

ABA Commission on Lawyer Assistance Programs

On behalf of the American Bar Association's Commission on Lawyer Assistance Programs (CoLAP), it is our pleasure to invite you to attend the 2017 National Conference. The 2017 Conference is being held at the Kansas City Marriott Downtown in Kansas City, Missouri. The Conference will begin with a Welcome Reception and Opening of the Exhibit Hall late in the afternoon on Tuesday, October 17th and conclude Thursday evening, October 19th with the Annual Conference Dinner. **New this year, the LAP Roll Call will be held during the Welcome Reception on Tuesday and the Exhibitors Roll Call will be held during the Exhibitors Lunch on Wednesday.**

Cancellation Policy

Substitutions may be made at any time. Refund requests must be sent in writing. Requests received on or before October 10, 2017 will be fully refunded less a \$50.00 administrative fee. No refunds will be given after October 10, 2017. Send refund requests to Janice Jones by email to: janice.jones@americanbar.org.

Questions

Key Dates

September 5, 2017 – Early Registration Deadline

September 18, 2017 – Last day to obtain negotiated room rate or until block is sold-out whichever comes first

September 25, 2017 – Advance/Online Registration Closes

September 26, 2017 until Conference – Onsite Registration Only

October 10, 2017 – Conference Cancellation Deadline (refer to policy for details)



Follow us on Twitter a Facebook and subscribe to our blog "CoLAP Call"

Use **#colap2017** for conference-related posts!

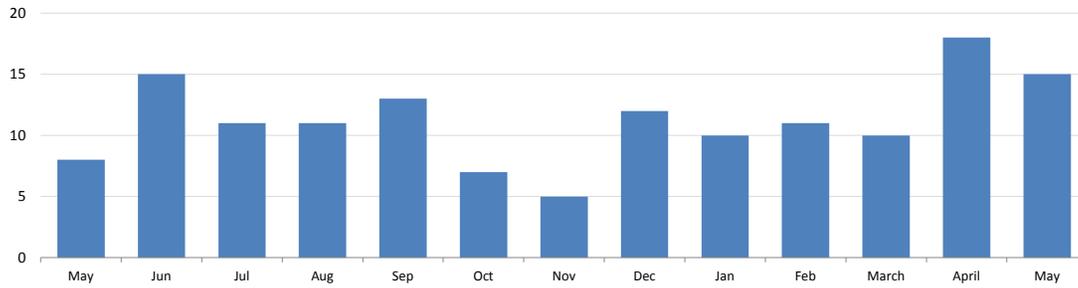
Contact [Janice Jones](#) or [Sharon O'Connell](#) with any questions related to the CoLAP National Conference.



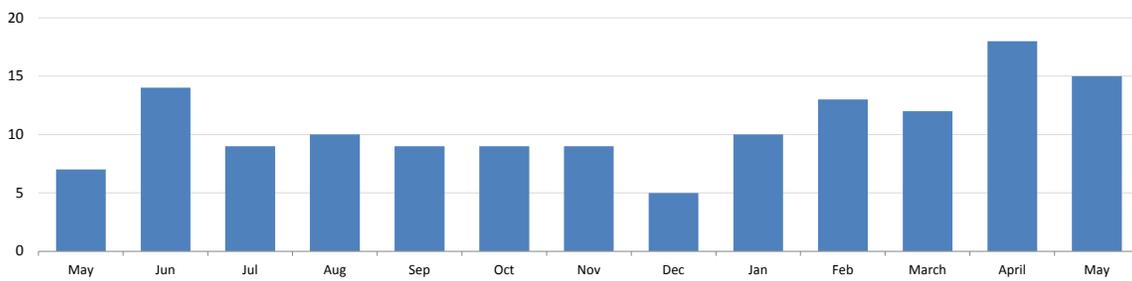
Lawyer Assistance Program
 Caseload and Case Inventory:
 (Data through May 31, 2017)

Caseflow

Intakes



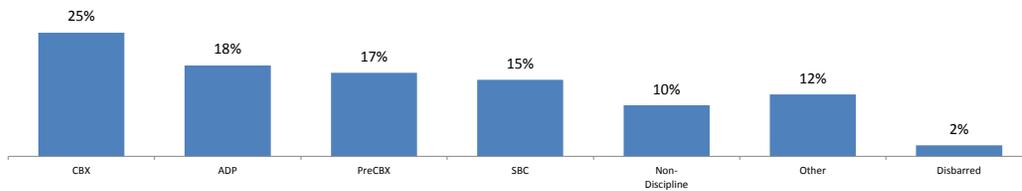
Cases Closed



Case Inventory:

137

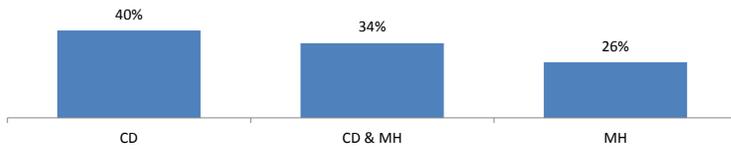
Referral Source



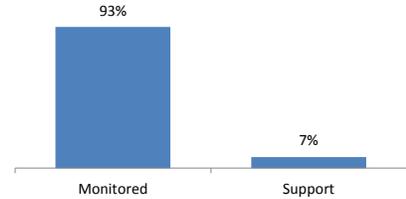


Lawyer Assistance Program
 Caseload and Case Inventory:
 (Data through May 31, 2017)

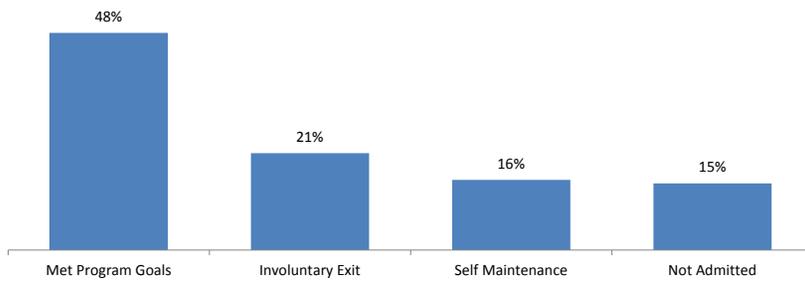
Reason for Participation



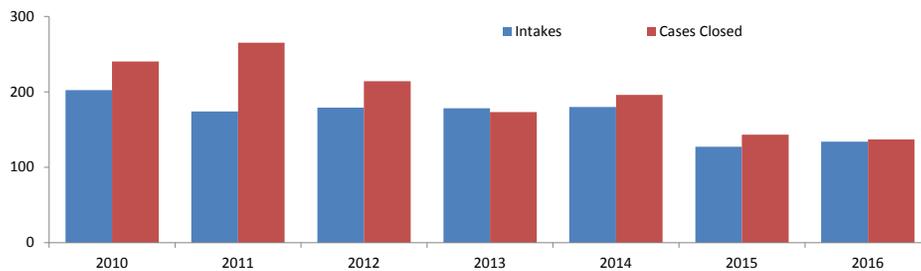
Type of Program



Reason for Case Closure - 2016



Previous Years Caseload



* CD - Chemical Dependence
 MH - Mental Health



Lawyer Assistance Program
 Caseload and Case Inventory:
 (Data through May 31, 2017)

Intakes

Referral Source

		PreCBX	CBX	Non-Discipline	ADP	SBC	Other	Total	PreCBX & CBX
2016	May	1	1	2	1	3	0	8	25%
	Jun	4	2	4	1	4	0	15	40%
	Jul	1	3	3	1	0	3	11	36%
	Aug	1	2	3	4	0	1	11	27%
	Sep	0	10	1	1	0	1	13	77%
	Oct	4	2	0	1	0	0	7	86%
	Nov	0	1	1	1	2	0	5	20%
	Dec	4	2	3	0	1	2	12	50%
2017	Jan	0	5	2	1	1	1	10	50%
	Feb	0	6	2	1	1	1	11	55%
	March	0	3	1	3	1	2	10	30%
	April	2	4	3	1	4	4	18	33%
	May	3	5	0	3	2	2	15	53%

Cases Closed

		PreCBX	CBX	Non-Discipline	ADP	SBC	Other	Total	% PreCBX
2016	May	3	1	0	2	1	0	7	57%
	Jun	4	8	0	0	2	0	14	86%
	Jul	2	2	0	1	3	1	9	44%
	Aug	1	2	3	0	2	2	10	30%
	Sep	0	1	4	3	0	1	9	11%
	Oct	2	2	1	1	1	2	9	44%
	Nov	0	1	5	1	2	0	9	11%
	Dec	1	1	2	0	1	0	5	40%
2017	Jan	1	4	2	0	2	1	10	50%
	Feb	0	4	2	2	5	0	13	31%
	March	1	7	1	1	1	1	12	67%
	April	2	4	3	1	4	4	18	33%
	May	3	5	0	3	2	2	15	53%



Lawyer Assistance Program
 Caseload and Case Inventory:
 (Data through May 31, 2017)

Inventory-As of May 31, 2017

	CD	CD & MH	MH Total		Percent
CBX	22	8	4	34	25%
ADP	6	11	8	25	18%
PreCBX	12	10	1	23	17%
SBC	6	8	7	21	15%
Non-Discipline	1	5	8	14	10%
Other	6	4	7	17	12%
Disbarred	2	1	0	3	2%
Total	55	47	35	137	100%
Percent	40%	34%	26%		100%

	CD	CD & MH	MH	Total	Percent
Monitored	55	44	28	127	93%
Support	0	3	7	10	7%
Total	55	47	35	137	100%
Percent	40%	34%	26%		100%

Previous Years

	Intakes	Cases Closed
2010	202	240
2011	174	265
2012	179	214
2013	178	173
2014	180	196
2015	127	143
2016	134	137
2017	65	63

Reason for Case Closure

PD - CBX abeyance complete	14
PD - Other	1
PD EC - Successful Completion	7
PD - Support LAP Complete	7
PD - Completed O & A	2
PD - Discontinued contact	10
PD - Financial	1
EC - Terminated	0
PD - Disagreed with recommendation	0
PD - Chose to follow support system	13
EC - Not Accepted / Denied	7
Deceased	0
Moved out of state	1

	N	%
Met Program Goals	31	50%
Involuntary Exit	11	18%
Self Maintenance	13	21%
Not Admitted	7	11%
Total	62	100%

Lawyer Assistance Program Financial Summary
as of April 30, 2017

	YTD actual	2017 Budget
Total Revenue	\$ 1,958,475.00	\$ 2,084,800.00
<i>Expenses</i>		
Employee Expenses	\$ 291,999.00	\$ 920,500.00
Travel	\$ 18,017.00	\$ 72,000.00
Supplies	\$ 5,277.00	\$ 19,800.00
Occupancy	\$ 2,400.00	\$ 100.00
Furniture and Equipment	\$ 650.00	\$ 3,500.00
Professional Services	\$ 14,825.00	\$ 177,500.00
Other Outside Services	\$ 517.00	\$ 5,600.00
LAP Collections/Cost Reimbursement	\$ 181.00	\$ 1,000.00
Interfund allocation	\$ 149,392.00	\$ 448,176.00
<u>Total Expense</u>	<u>\$ 483,258.00</u>	<u>\$ 1,648,176.00</u>
<u>Balance</u>	<u>\$ 1,475,217.00</u>	<u>\$ 436,624.00</u>



DATE: June 7, 2017

TO: LAP Oversight Committee

FROM: Doug Hull

SUBJECT: Report of the Governance in the Public Interest Task Force

In 2010, Business and Professions Code 6001.2 was enacted. That statute created the Governance in the Public Interest Task Force (“Task Force”). The charge of the Task Force included making “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.” In 2011, the Task Force issued its first report addressing State Bar governance reform. Since then, the authorizing statute has been modified, providing the Task Force with a new charge: “make suggestions to the Board of Trustees regarding the strategic plan and other issues as requested by the Legislature, in addition to fulfilling its original mandate”.

The 2016 iteration of the Task Force issued a report highlighting nine reform issues, including issues related to the discipline backlog, the hybrid structure of the Board of Trustees, mission creep and the definition of public protection. However, one of the issues enumerated in the report directly relates to the Lawyer Assistance Program: proliferation of committees, boards and commissions and over reliance on volunteers.

I bring this to the Oversight Committee’s attention to make you aware of the situation and to discuss the issue at our June 10 meeting. It is uncertain what the next steps are relating to this issue, but it appears the Board will be conducting a study of the work of the LAP OC.

The full report is quite lengthy (146 pages) and the issue relating to the proliferation of committees incorporates many other State Bar entities (Committee on Professional Responsibility and Conduct, Client Security Fund Commission, Committee of Bar Examiners, etc)¹. The LAP Oversight Committee is but one of the many committees and commissions to be studied by the Board.

To aid in your review of the considerations of the Task Force as it relates the LAP Oversight Committee, I’ve attached the following excerpts of the report

- Executive Summary (report pages 1-5)
- Implementation of Recommendations from the 2016 Task Force Report, as it relates to the LAP Oversight Committee (report page 12)

¹ The full report can be found at: <http://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000017508.pdf>

- Recommendations of the 2017 Task Force—Excerpt from Topic C – The Structure and Functioning of the State Bar Sub-entities and Board Committee (as it relates to the LAP) (report page 19)
- Topic C-1 State Bar sub-entity structure and functioning (report pages 31-23)
- Excerpt from Appendix D-Reduction in Sub-entities (report pages D-1 and D-2)
- Excerpt from Appendix I-Review of Sub-Entities: Background and Recommendations (as it relates to LAP) (report pages I-6 and I-7)
- Excerpt from Appendix M-List of State Bar of California Sub-Entities (as it relates to LAP) (report page M-2)
- Appendix O Proposed State Bar of California Program Structure (report page O-1)

The excerpts include the highlighted language that refers to the LAP Oversight Committee directly.

I've tried to provide context for each of the excerpts, but I may have missed some introductory language. If you feel the excerpts are incomplete, footnote 1 contains a link to the original report.

Ultimately, the report recommends further study of the work of the LAP Oversight Committee (along with several other bar sub-entities). At this point, it seems that we may be hearing from the Board regarding the study in the near future.

EXECUTIVE SUMMARY

Created in 1927, the State Bar of California has been the subject of repeated reviews and efforts at reform for nearly four decades. Recognizing that years of reports and recommendations had resulted in little actual reform, the Legislature created the Governance in the Public Interest Task Force (Task Force) in 2010. Under the enabling statute, Business and Professions Code section 6001.2, a body originally statutorily composed of 11 members of the Board of Trustees was tasked to deliver a report directly to the Supreme Court, the Governor and the Legislature, making “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.” The Task Force’s first report was issued in 2011, identifying critical areas of needed governance reform. Many recommendations identified in that report are now embodied in the State Bar’s governing law, including renaming the Board of Governors to the Board of Trustees, adding Supreme Court appointed trustees to the Board, creating new electoral districts based on appellate court district boundary lines, reducing Board size, adopting open meeting requirements, and revising the State Bar’s statutory directive to make public protection paramount.

Thereafter, the Task Force statute was repealed and replaced. The new statute reduced the size of the Task Force to seven members and directed the Task Force to make suggestions to the Board of Trustees regarding the strategic plan and other issues as requested by the Legislature, in addition to fulfilling its original mandate. This third Task Force Report is designed to serve as a capstone of the series; in particular, it is intended to build on and complete the work of the second Task Force Report issued in 2016. Together the changes recommended in all three reports, some already well underway, are redesigning the State Bar and providing a road map for its reform.

Unlike the initial 2011 Task Force Report, which focused exclusively on traditional governance issues, the 2016 and 2017 Task Force members interpreted their mandate for developing reform recommendations to extend beyond the singular matter of State Bar governance. They saw governance as inextricably linked to, and dependent upon, the structure and operations of the State Bar as an organization. To be effective, organizational design must address all three. Yet good organizational design, standing alone, is not sufficient to create lasting change. Rather, a continuing commitment of Board and staff leadership to reform is critical.



With these ideas in mind, the 2016 Task Force Report highlighted nine reform issues for attention:

1. 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 Relations 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 for Human Resources.
9. Inadequate Resources to Satisfy Statutory Backlog Definitions.

A unifying theme behind many of the foregoing concerns was the need to develop a 'single enterprise' approach to managing all State Bar functions in order to address structural and operational confusion. The Board of Trustees agreed and directed that a single set of administrative rules and procedures, appropriate for a regulatory body, be applied to all State Bar functions in the future. This has produced a more coherent operational model and will improve the State Bar's overall function and ability to support its core public protection functions.

Although not an explicit recommendation in the 2016 Task Force Report, implementation of a single enterprise approach to managing the State Bar has provided an additional rationale for the most significant structural reform in the State Bar's ninety year history: the proposed separation of its 16 Sections as contemplated in Senate Bill 36 (the 2018 fee bill). As the 2016 Task Force Report made clear, the current structure combining two distinct organizational and operational designs has posed a continuing problem for effective management of the State Bar. Correcting this problem will move the State Bar forward in achieving a more efficient, centrally managed organization.

Discussion of the possible Sections' departure coincided with the beginning of the 2017 Task Force work and thus became an important consideration in its deliberations. Equally important, earlier fee bill proposals to reduce the size of the State Bar's Board of Trustees by eliminating six elected trustee positions moved closer to reality with the introduction of the 2018 fee bill. Together these two potential structural changes motivated the 2017 Task Force work, creating greater urgency to design a 'new' State Bar of California.

The 2017 Task Force began its work by developing an agenda around three themes, designed to capture work remaining from the 2016 Task Force Report and to consider the needs of the organization if the Legislature were to approve the departure of the Sections and significantly reduce the size of the Board. The first theme entailed creating a mission statement that would define the State Bar's public protection responsibilities. A working mission statement was drafted early in the process, but not finalized until the last meeting to ensure that the Task Force's mission statement recommendation captured the most well-developed thinking about the State Bar's purpose and function. That process produced the following mission statement, which the 2017 Task Force recommends for the Board's consideration:

The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and the promotion of efforts for greater access to, and inclusion in, the legal system.

In discussing its second topic on board governance changes, the 2017 Task Force was mindful of proposals contained in the unsuccessful 2017 fee bills, as well as recommendations made in the 2016 Task Force Report. In the end, its recommendations largely track those now introduced in the 2018 fee bill. Accordingly, the 2017 Task Force embraced renaming the Board leadership positions as Chair and Vice Chair, with appointment by the Supreme Court; eliminating trustee elections; and, extending trustee terms of office to four years. Additionally, the 2017 Task Force recommended that the Board be reduced in size to 17 members, converting four formerly elected positions to appointments by the Supreme Court, both Legislative Houses and the Governor; that consideration be given to a mechanism for appointing vacancies left open overlong; and that the position of Treasurer, a vestige of the State Bar's associational structure, be eliminated.

Discussion about the third 2017 Task Force topic, the role of sub-entities and volunteers, and the structure of Board Committees, created special demands. The 2017 Task Force recognized that to understand the changes needed to correct past problems and ensure that the 'new' State Bar is structured successfully in light of both the possible departure of the Sections and a significant change in Board size, a deep review of all of the State Bar's functional areas would be needed. The 2017 Task Force was clear that a smaller board would inevitably face significant challenges, thanks to the State Bar's great size, complexity and functional diversity. Thus understanding the State Bar's complicated structure became an important focus.

In its review process, the 2017 Task Force learned that the State Bar of California is the world's largest 'unified' bar, combining both regulatory and membership functions, and has a highly unusual structure when compared to other sister bar organizations. Unlike other bar



organizations, the State Bar operates with a completely professionalized discipline system, which reports directly to a governing board, rather than chief executive officer; is subject to an oversight structure governed jointly by the Supreme Court and both Legislative Houses; and is responsible for a comprehensive set of licensing, regulation, discipline and educational activities, many contained in a growing body of statutory directives.

The 2017 Task Force recognized the importance of identifying ways to improve the oversight and management of the State Bar. Its functional review of all State Bar operational areas made clear that the State Bar historically has been asked to do far more than manage its core responsibilities of attorney discipline, licensing and regulation alone. The resulting organizational structure and management systems have become unusually complex as new responsibilities have been added over time. Similarly the State Bar's fund accounting financial system, which has not been upgraded in years, has strained to accommodate mushrooming programmatic activity and statutory requirements. To manage its growing number of activities, without adding resources, the Bar has relied on an increasing number of volunteers operating through sub-entities.

Efforts to address this problem of organizational sprawl and entropy were set in motion by recommendations in the 2016 Task Force Report. They are expected to result in a significant reduction in both sub-entities and Board appointed volunteers even before implementation of the 2017 Task Force Report recommendations. In 2011-2012, there were 46 mainly Board-created sub-entities operating within the State Bar under the Board's direct oversight, supported by approximately 700 volunteers. Implementation of the 2016 Task Force Report recommendations, designed to address the identified problem of a proliferation of committees, now along with the possible departure of the Sections, will reduce the number of sub-entities operating within the State Bar under the Board's direct oversight to 12, and the number of associated volunteers to approximately 200. This reduction in sub-entities and volunteers will create a more manageable oversight workload for the Board and a stronger organizational structure.

Even so, more remains to be done, including further study of a broad range of advisory committees to the sub-entities and their additional use of volunteers. The 2017 Task Force Report has made an important contribution to this work by providing a detailed analysis of the various sub-entities and identifying those which should be prioritized for future study by the Board and its Committees. These include the *Committee of Bar Examiners*, *Law School Council*, *California Board of Legal Specialization*, *Client Security Fund*, *Committee on Mandatory Fee Arbitration*, *Lawyer Assistance Program Oversight Committee*, *Access to Justice and Diversity Related Sub-Entities*, and the *Committee on Professional Liability Insurance*. In sum, the 2017 Task Force has laid the groundwork for the Board to continue this review effort and, taking advantage of a revised Board Committee structure, 'right-size' the work of these volunteers and sub-entities, so that appropriate Board oversight and control become a reality.

Finally, the 2017 Task Force noted that for maximum effectiveness, the State Bar's management structure should be aligned with Board Committee structure, so that the Board can effectively exercise its oversight responsibility. The Task Force also determined that the Board should engage in ongoing continuous improvement assessment and review. Recommendations to improve trustee training and incorporate leadership development, succession planning and management structure review into the Board Committee work plan were developed to advance these principles. This work, which will require the joint effort of Board and senior management, was noted as most appropriate for the Executive Committee (ExCom). With this recommendation, the 2017 Task Force Report joins the 2016 Report in underscoring the need to develop the most important asset of the State Bar of California: its human resources. To navigate the way forward will require continued attention to maintaining reform-minded leadership at the Board and senior management level, as noted in both the 2016 and 2017 Task Force Reports.

DRAFT



Proliferation of Sub-Entities:

- If approved by the Legislature, departure of the 16 Sections and the *California Young Lawyers Association* from the State Bar, as described in Senate Bill 36, along with ongoing Board-directed restructuring of State Bar sub-entities, would produce significant changes to the operational structure of the State Bar. Such a change will make even more important the need to reform an unwieldy organizational structure. Fortunately, important reforms have already occurred.
- In 2011-2012, there were 46,⁸ mainly Board-created,⁹ sub-entities operating within the State Bar under the Board's direct oversight, supported by approximately 700 volunteers.¹⁰ Implementation of the 2016 Task Force Report recommendations designed to address the identified problem of a proliferation of committees has already had a significant positive impact on the State Bar. By the end of 2017, there will be 29, rather than 46, sub-entities operating within the State Bar under the Board's direct oversight, with no corresponding decrease in program coverage or responsibilities.¹¹ This reduction in sub-entities and volunteers will create a more manageable oversight workload for the Board and a stronger organizational structure. This change also offers a good example of the interaction of governance and operations, demonstrating how changes in one area can improve overall organizational performance.
- If departure of the Sections and the *California Young Lawyers Association* is approved, the number of sub-entities operating within the State Bar under the Board's direct oversight will be reduced further from 29 to 12.¹² And the number of volunteers on sub-entities operating within the State Bar under the Board's direct oversight will be reduced to approximately 200. Although the State Bar wants to continue benefiting from the dedication, commitment, expertise and experience of its volunteers, the

⁸ This count does not include the *Commission for Revision of Rules of Professional Conduct*, which is a temporarily created sub-entity that recently completed the majority of its work to overhaul the rules, submitting them to the Supreme Court for approval on March 31, 2017. It also does not include the *Law School Council*, which functions as an advisory body to the *Committee on Bar Examiners*.

⁹ Though most sub-entities were created by resolution of the Board of Trustees, some are legislative creations, such as the *Lawyer Assistance Program Oversight Committee* and the *Commission on Judicial Nominees Evaluation*.

¹⁰ The sub-entity and volunteer counts do not include secondary levels of advisory bodies or subcommittees created by the sub-entities themselves.

¹¹ This reduction will be accomplished by transferring appointment authority for the *California Board of Legal Specialization* advisory commissions from the Board of Trustees to the *California Board of Legal Specialization*, transferring responsibility for the four non-governing standing committees to the Litigation Section, eliminating the *Committee on Group Insurance*, and merging the *Committee on Delivery of Legal Services* with the *California Commission on Access to Justice*.

¹² See Appendix D, Reduction in Sub-Entities.

- Would best practice, judged against the approaches of other states, suggest that the State Bar's function should be limited to certifying entities meeting established standards to administer legal specialization certification programs rather than administering such a program directly; if so, is the best structure for performing this function through CBLIS or delegation to State Bar staff?
- Given that Supreme Court Rule 9.35 requires only that the State Bar establish and administer a program for certifying legal specialists, could the legal specialization certification function be performed by State Bar staff with the assistance of consultants instead of by CBLIS?

CLIENT SECURITY FUND COMMISSION (CSF)

- Should consideration be given to making the CSF Commission a subcommittee of the RAD Committee, to clarify both its reporting relationship and the Board's oversight responsibility?
- Would there be benefits in cost savings and performance, by bringing certain CSF Commission work in-house to be performed by staff?
- Could the CSF Commission be reduced in size if its workload were decreased and the Commission's structure realigned with its remaining responsibilities?

COMMITTEE ON MANDATORY FEE ARBITRATION (MFA)

- Is there a risk that some local voluntary bar associations may decide that they can no longer support the MFA process and, if so, what would be the impact on the State Bar and its staffing?
- Would there be a benefit to bringing in-house more of the Committee's administrative work, so as to free up the volunteers for more useful deployment of their subject matter expertise; if so, would a reduction in the size of the Committee be possible to realign its structure with its remaining responsibilities?

LAWYER ASSISTANCE PROGRAM (LAP) OVERSIGHT COMMITTEE

- Do the statutory prescriptions governing LAP hinder full integration of this program area into the State Bar and inhibit proper oversight by the Board of Trustees?
- Should the LAP program area be retained within the State Bar, or should consideration be given to repositioning the program outside the State Bar?
- Assuming the Board of Trustees and the Legislature determine that LAP should remain within the State Bar, what should be the relationship between the Board of



Trustees and the LAP Oversight Committee so that there is greater engagement by the Board of Trustees in this program area and more effective integration of LAP into the State Bar overall?

ACCESS TO JUSTICE AND DIVERSITY RELATED SUB-ENTITIES

- The Chief Justice has identified the *California Commission on Access to Justice* (CCAJ) as part of the State Bar's non-disciplinary public protection function.²³ This has clarified the State Bar's important role in supporting access to justice initiatives. The question remains as to how best to define the Board's role in informing, supporting, and directing diversity/inclusion and access to justice work through the CCAJ (into which the *Committee on Delivery of Legal Services* has been merged), the *Legal Services Trust Fund Commission* and the *Council on Access and Fairness*.
- Should access to justice and diversity/inclusion goals and objectives be integrated into all aspect of the State Bar's public protection programmatic work plans?

COMMITTEE ON PROFESSIONAL LIABILITY INSURANCE (COPLI)

- How should program supervision and oversight of the professional liability insurance program best be effectuated, i.e., by a committee or by State Bar staff, supported by expert consultants?

Recommendation C.1(c): The secondary level of subcommittees and advisory bodies created by, and working under, the sub-entities themselves should also be surveyed, catalogued, and reviewed to ensure appropriate management of, and oversight over, all State Bar activities.

Recommendation C.2: In contrast to the questions about the sub-entities, which will require further study, the 2017 Task Force also reviewed the role and structure of Board Committees. The Task Force agreed that the Board Committee process could be improved by determining the categories of matters that should pass through Committee before reaching the Board of Trustees and the categories of matters that should go directly to the Board without prior review. The Board should begin the process of integrating this principle into all aspects of Board work. In terms of Committee scope, structure and process, the Task Force recommended consideration of the following changes that can be made immediately:

²³ See Appendix J, Letter from Chief Justice re Interim Regulatory Assessment.

TOPIC C-1 – STATE BAR SUB-ENTITY STRUCTURE AND FUNCTIONING

Topic C includes two categories: State Bar sub-entities, made up of Board members, appointees and volunteers, and variously created by Board action alone or in combination with external stakeholders, whether by Court rule or statute; and Board Committees, composed exclusively of trustees. We have divided the discussion below into C-1, State Bar Sub-Entity Structure and Functioning, and C-2, Board Committee Structure and Functioning.³²

The sub-entities serve the State Bar's various functional areas, i.e. admissions/licensing, discipline, access to justice/diversity, ethics, etc. Depending on the specific creating authority and sub-entity design and responsibility, questions may arise about: (a) appropriate Board oversight; (b) necessary and authorized fiscal and staffing support; (c) most effective structure for transparency and accountability; and (d) whether volunteer committees are optimal for implementing core State Bar responsibilities.

The goal of discussion on Task Force Topic C-1 was twofold. First, the Task Force identified possible policy and structural changes that that might be needed to ensure that the State Bar achieves its statutory mandate in the licensing, regulation and discipline of attorneys. Second, each sub-entity was reviewed to ensure that it is appropriately structured with defined outcome measures, adequate oversight, and fiscal and staffing support.

An important recommendation of the 2016 Task Force Report was the need to streamline an organizational structure characterized by a decentralized administrative system with overdependence on volunteers, complicating effective Board oversight. The review of the 2016 Task Force noted this concern and put in motion a series of implementation activities that will result in a reduction in the number of sub-entities operating within the State Bar under the Board's direct oversight, and associated volunteers, by the end of 2017. The departure of the 16 State Bar Sections and the *California Young Lawyers Association*, as contemplated in the 2018 fee bill, will achieve yet a further reduction, so that the 46 sub-entities operating within the State Bar under the Board's direct oversight in 2011 will be reduced to 12. The Bar's corresponding volunteer count will drop from approximately 700 to 200. Even so, ongoing review of the State Bar, its sub-entities and its use of volunteers continues to be a timely topic. For example, Board appointed sub-entities have created a second layer of advisory committees and volunteers; they too should be reviewed.

The current Task Force reviewed sub-entities in relation to its proposed mission statement, in order to assess whether the structure of the sub-entities aligns with assigned tasks and appropriate oversight mechanisms are in place. Based on that review, the Task Force identified a variety of issues regarding select sub-entities requiring further study. A more detailed summary of Task Force concerns and recommendations is contained in Appendix I, Review of Sub-

³² See Appendix L, Framework for Review of Sub-Entities and Board Committees.



Entities: Background and Recommendations. See also Appendix M, the State Bar of California Sub-Entities, a spreadsheet containing a description of each sub-entity's function, program area, oversight committee, charge, creating authority, number of appointees, appointing authority, current status and technical notes related to structure.

TOPIC C-2 – BOARD COMMITTEE STRUCTURE AND FUNCTIONING

At the Topic C meeting, the Task Force also reviewed and discussed the structure, size, composition and function of the Board's own Committees, which assist the Board in its governance and oversight role.³³ The Board's current Committees include:

- The Executive Committee
- The Regulation and Discipline Committee
- The Admissions & Education Committee
- The Stakeholders Relations, Access to Justice, and Appointments Committees
- The Audit Committee
- The Planning and Budget Committee

In addition, the Task Force reviewed and discussed the Board's Liaison Policy, which outlines a process by which Board Trustees are appointed as liaisons to various sub-entities, rather than assigning the liaison function to specific Board Committees to effectuate.

Task Force Topic C considered each Board Committee's scope of work, structure, composition, size, and purpose to identify recommendations to improve their efficiency and effectiveness. Through implementation of many of the 2016 Task Force recommendations, the interdependency between governance, organizational design and management structure has become increasingly obvious. The 2017 Task Force, like its 2016 predecessor, recognized these connected relationships, and agreed that further review of the interaction between Board Committees and management structure is needed.

The 2017 Task Force was unanimous in agreeing that the State Bar needs a Committee process that functions more vigorously. In this regard, it was observed that any Committee consisting of the whole Board is problematic, no matter board size. Full Board topics crowd the agenda and reduce, rather than enhance, effective oversight. It is preferable for Committees to perform the detail-oriented oversight work of developing work plans; tracking progress against established performance metrics; identifying areas for improvement; and determining the types of information and frequency of reporting needed for effective oversight. The Board should not be

³³ See Appendix N, Board Committee Structure.

**Reduction in Sub-Entities from Ongoing Restructuring
and Possible Departure of the Sections and *California
Young Lawyers Association* pursuant to the 2018 Fee Bill**

Existing Sub-Entities

Change in Status

Section Executive Committees

- | | |
|----------------------------------|--|
| 1. <i>Antitrust/UCL/Privacy</i> | Move to new Sections entity by 2018 fee bill |
| 2. <i>Business</i> | Move to new Sections entity by 2018 fee bill |
| 3. <i>Criminal</i> | Move to new Sections entity by 2018 fee bill |
| 4. <i>Environmental</i> | Move to new Sections entity by 2018 fee bill |
| 5. <i>Family</i> | Move to new Sections entity by 2018 fee bill |
| 6. <i>Intellectual Property</i> | Move to new Sections entity by 2018 fee bill |
| 7. <i>International</i> | Move to new Sections entity by 2018 fee bill |
| 8. <i>Labor/Employment</i> | Move to new Sections entity by 2018 fee bill |
| 9. <i>Law Practice Mgmt/Tech</i> | Move to new Sections entity by 2018 fee bill |
| 10. <i>Litigation</i> | Move to new Sections entity by 2018 fee bill |
| 11. <i>Public</i> | Move to new Sections entity by 2018 fee bill |
| 12. <i>Real Property</i> | Move to new Sections entity by 2018 fee bill |
| 13. <i>Solo/Small Firm</i> | Move to new Sections entity by 2018 fee bill |
| 14. <i>Taxation</i> | Move to new Sections entity by 2018 fee bill |
| 15. <i>Trusts/Estates</i> | Move to new Sections entity by 2018 fee bill |
| 16. <i>Workers Compensation</i> | Move to new Sections entity by 2018 fee bill |

California Board of Legal Specialization (CBLS) advisory commissions

- | | |
|------------------------------------|--|
| 17. <i>Admiralty/Maritime</i> | Appointment authority to transfer from Board to CBLS |
| 18. <i>Appellate</i> | Appointment authority to transfer from Board to CBLS |
| 19. <i>Bankruptcy</i> | Appointment authority to transfer from Board to CBLS |
| 20. <i>Criminal</i> | Appointment authority to transfer from Board to CBLS |
| 21. <i>Trusts/Estates/Probate</i> | Appointment authority to transfer from Board to CBLS |
| 22. <i>Family</i> | Appointment authority to transfer from Board to CBLS |
| 23. <i>Franchise/Distribution</i> | Appointment authority to transfer from Board to CBLS |
| 24. <i>Immigration/Nationality</i> | Appointment authority to transfer from Board to CBLS |
| 25. <i>Legal Malpractice</i> | Appointment authority to transfer from Board to CBLS |
| 26. <i>Taxation</i> | Appointment authority to transfer from Board to CBLS |
| 27. <i>Workers Compensation</i> | Appointment authority to transfer from Board to CBLS |

Non-Governing Standing Committees

- | | |
|---|--|
| 28. <i>Alternative Dispute Resolution</i> | Terminated by Board; Responsibility transferred to Litigation Sec. |
| 29. <i>Federal Courts</i> | Terminated by Board; Responsibility transferred to Litigation Sec. |
| 30. <i>Appellate Courts</i> | Terminated by Board; Responsibility transferred to Litigation Sec. |
| 31. <i>Administration of Justice</i> | Terminated by Board; Responsibility transferred to Litigation Sec. |

Other

- | | |
|--|--|
| 32. <i>California Young Lawyers Assn</i> | Move to new Sections entity by 2018 fee bill |
| 33. <i>Com Group Liability Insurance</i> | Terminated by Board (eff. 5/31/17); new Sections entity area |

Remaining Sub-Entities

Administration of Justice

1. *CA Com Access to Justice* (merged with *Com Delivery of Legal Services*)
2. *Legal Services Trust Fund Com*
3. *Council on Access and Fairness*
4. *Com on Judicial Nominees Evaluation*
5. *Judicial Nominations Evaluations Review Com*

Prevention and Remediation

6. *Lawyer Assistance Program Oversight Com*
7. *Com on Mandatory Fee Arbitration*
8. *Client Security Fund Com*
9. *Com Professional Liability Insurance*

Licensing/Admissions¹

10. *Com of Bar Examiners*

Ethics/Competence²

11. *Com Professional Responsibility & Conduct*

Legal Specialization

12. CBLs

¹ Not included on this list is the *Law School Council*, which functions as an advisory body to the *Com of Bar Examiners*.

² Not included on this list is the second *Com for Revision of Rules of Professional Conduct*, as the main of their work – the overhaul of the Rules of Professional Conduct – was completed on March 31, 2017. Only a skeletal body has been retained for the duration of the Supreme Court’s review and approval process.

of current work the Committee ultimately will continue to handle, a further review of the required structure and size of the Committee should also be undertaken.

Recommendation: Refer to the RAD Committee for further study, as outlined above.

Lawyer Assistance Program (LAP) Oversight Committee

Background: In providing comprehensive and confidential assistance to attorneys who abuse alcohol or drugs or suffer from mental illness, LAP helps attorneys address problems with potential negative impact on client representation. The program serves the following four distinct populations:

- Attorneys who voluntarily self-refer into the program.
- Attorneys referred into the program from the disciplinary system.
- Applicants for admission referred into the program from the Committee of Bar Examiners as part of the moral character approval process (currently not covered by statute, they must be funded from non-LAP sources).⁵
- Applicants for admission who voluntarily self-refer into the program to avoid problems in the moral character approval process proactively by addressing substance abuse or mental illness issues lest they interfere in obtaining a license to practice law.

LAP relies on State Bar staff who are licensed clinicians to assess and develop case plans for participants. The LAP Oversight Committee may establish one or more three-member Evaluation Committees in northern and southern California, each consisting of a physician, clinician and a local State Bar member experienced in recovery. Evaluation Committees are authorized to accept or deny applications for admission to LAP; to determine completion of the program; and to terminate individuals from the program. The State Bar contracts with licensed medical health professionals in northern and southern California to facilitate weekly group meetings and monitor the recovery of participants. Notwithstanding the statutory role performed by the Oversight Committee in overseeing the operations of this program, the Board performs its own oversight role, which historically has been limited in scope. The Board appoints half of the 12 Oversight Committee members, who regularly report to the Board. On March 12, 2017, the Board approved the Oversight Committee's three-year strategic plan pursuant to Workforce Planning recommendations.⁶

Two issues emerged in Task Force discussions. The first centered on whether LAP is appropriately situated within the State Bar. The program goal is not in doubt, but the State Bar

⁵ The State Bar hopes to change the LAP statutory scheme to permit funding of applicants for admission.

⁶ Immediately after the Task Force's discussion about LAP, the Oversight Committee presented a three-year Strategic Plan to RAD, focused on outreach (particularly to law schools and recent graduates), education, messaging and efficacy. The Oversight Committee agreed to develop a timeline for implementing the strategic plan and also agreed that physical separation from the State Bar could help to increase participation.

lacks expertise in matters of substance abuse and mental illness, making it an unusual host. Moreover, concerns have been raised that attorneys might be disinclined to seek assistance from the same entity responsible for attorney discipline, a concern that may explain LAP's low attorney participation rate.⁷ A review of other state practices also suggested that many jurisdictions have chosen to structure their parallel programs as separate entities from the regulatory body precisely because of these types of concerns. The direct relationship between LAP and the discipline system, particularly as related to the direct diversion role it plays for some attorneys appearing before State Bar Court, could be a counter to arguments for separation of the program; this perspective suggests that the State Bar has a responsibility to ensure appropriate quality control of the services being provided and can best do so if LAP is part of the State Bar proper.

Additional Task Force discussion centered on the role of the program's statutory Oversight Committee and the role it plays as related to both Board oversight and program integration with the State Bar's organizational structure.

RAD should determine whether LAP should be retained within the State Bar and, if so what the relationship there should be between the Board and the Oversight Committee to RAD. Also, RAD should develop specific directives to advance the two primary components of the LAP Strategic Plan, education and program design. It is noted that LAP, its Oversight Committee and its funding are set by statute; change in its operational or governance structures, whether by transitioning the work to an independent entity to perform or by modifying the role of the Oversight Committee, will require legislation. The Task Force proposes that RAD study these issues in light of the recently adopted LAP strategic plan and that it do so by conferring with the Oversight Committee, the State Bar Court, staff, and other stakeholders.

Recommendation: Refer to the RAD Committee for further study, as outlined above.

Commission (2nd) for Revision of Rules of Professional Conduct

Background: The commission concluded a two year comprehensive review and overhaul of the California Rules of Professional Conduct on March 31, 2017; the proposed rules have been approved by the Board for submission to the Supreme Court for its consideration and final approval. The appropriateness and importance of the commission's work to the State Bar, characterized by the Supreme Court as a component part of a comprehensive discipline system, is beyond question. The Board approved retaining a 'skeletal' group of commission members, should issues arise during the Supreme Court's review of the rules. TASK FORCE recommends no further action.

Recommendation: Closed.

⁷ Space demands in the State Bar's Los Angeles office may require LAP to relocate into separate quarters, potentially offering an opportunity to assess the impact of relocation on participant census.

The State Bar of California Sub-Entities

Committee Name	Program Area	State Bar Org	Oversight Committee	Charge [Per Board Book, statutes, State Bar Rules and other like source/reference materials]	Creating Authority	# of Appointees	Appointing Authority	Funding	Status	Notes
Client Security Fund Commission	Prevention and Remediation	State Bar Court Administrator	RAD	The Client Security Fund (CSF), established by (State-Bar sponsored) legislation in 1972, reimburses clients who have lost money or property due to theft or equivalent dishonest act by lawyer acting in professional capacity. This committee, created in 1986, oversees and administers CSF; determines whether to grant an application under the rules; makes recommendations to the BOT on rules, methods for reviewing applications, and financial/administrative needs.	BOT [CSF created by LEG (B&P 6140.5)]	7	BOT	\$40 per active member / \$10 per inactive member (B&P 6140.55)	In September 2016, Chief Justice directed State Bar to "ensure [CSF's] adequacy and operational efficiency."	Comp: Up to 4 Attorneys. By statute, funds collected for CSF are restricted to program expenses (processing, defending, insuring of claims). Per statute, State Bar "may" delegate administration of CSF to State Bar Court or any Board-created committee.
Lawyer Assistance Program Oversight Committee	Prevention and Remediation	State Bar Court Administrator	RAD	Lawyer Assistance Program (LAP), established by statute in 2002, provides comprehensive and confidential assistance to members and former members with substance abuse problems or mental illness. LAP offers counseling, consultation, arrangements for treatment and support groups. Attorneys may self-refer into LAP or may be referred by friends, family, the judiciary or the State Bar discipline system. Board Book recognizes that the purpose of LAP is to enhance public protection by rehabilitating members, former members, candidates for admission, so that they are able to practice law competently. The Oversight Committee, also established by statute, oversees LAP. By State Bar Rules, the Oversight Committee may establish one or more 3-member (physician, clinician, local bar member experienced in recovery) Evaluation Committees in Northern and Southern California. The Oversight Committee is authorized to accept or deny applications for admission into LAP, determine program completion and terminate individuals from participating in LAP.	LEG [LAP & Oversight Committee created by LEG (B&P 6231-6238)]	12	BOT/GOV/LEG	\$10 per active member / \$5 per inactive member (B&P 6140.9)]	Oversight Committee presented three-year strategic plan at the March 2017 RAD meeting.	Comp (per statute): 6 BOT (2 licensed mental health professionals; 1 physician specialist in alcoholism / substance abuse; 1 expert nonprofit board member; 2 Attorneys (at least 1 in recovery); 4 GOV (2 Attorneys, 2 Public); 2 LEG (1 Senate Public; 1 Assembly Public). LAP is not part of discipline system, but is identified here as Discipline Support because LAP staff work in close cooperation with Office of Chief Trial Counsel and State Bar Court to provide attorneys with opportunity for rehabilitation while resolving disciplinary charges. Per statute, confidentiality is guaranteed; participants are responsible for treatment and recovery expenses; State Bar may charge reasonable administrative fee to participants; State Bar is required to establish financial assistance program.
Committee of Bar Examiners	Licensing	Office of Admissions	A&E	Established in 1927, the Committee of Bar Examiners (CBE) is authorized by statute to: (a) Examine all applicants for admission to practice law. (b) Administer the requirements for admission to practice law. (c) Certify to the Supreme Court for admission those applicants who fulfill the requirements. Inherent in the administration of the requirements of admission is the responsibility for determining the pre-legal and legal education eligibility of applicants and whether an applicant possesses the requisite good moral character to practice law. By statute and State Bar Rules, CBE scope of work includes: (1) admission to practice i. development/administration of bar examination ii. moral character evaluation/informal conferences (appeal to State Bar Court) iii. testing accommodations petitions/reviews of denials (2) accreditation of law schools (3) registration of unaccredited law schools By statute, the Law School Council, referenced in B&P 6046.6, advises CBE on the content and format of the bar examinations, curriculum and law school education relating to the bar examination process. It acts as a 2-way channel of communication, sounding board and source of expertise. The council is composed of 14 members: 11 BOT (10 law school deans elected by their category of school; 1 Trustee [A&E Chair]); 3 CBE.	LEG/BOT [LEG authorizes BOT to establish examining committee (B&P 6046)]	19	BOT/GOV/LEG	Fees: Exam/ Application/ Admission/ Enrollment/ Law schools (accreditation and registration)	February 28, 2017, letter from Chief Justice, directing State Bar to make a report to the Court concerning the California Bar Examination by December 1, 2017, including summary of investigations/findings, recommendations for change, timeline; and to submit bi-monthly reports to the Court regarding the progress of its investigations.	Comp (per statute): 10 BOT (Attorneys); 3 GOV (Public); 6 LEG (3 Senate Public; 3 Assembly Public). By statute, funds from exam fees restricted to defraying costs of administering provisions of law relating to admission to practice law. By legislative design, BOT has authority to establish CBE, make appointments, determine budget, fix application fees, approve CBE's rules, conduct investigations. BOT has no authority to administer the admissions process. That authority is assigned to CBE. BOT has approved rules recognizing CBE's authority. A person refused certification by CBE is entitled to Supreme Court review.

Proposed State Bar of California Program Structure

Program Area	Admissions/Licensing	Member Records and Compliance	Ethics	Legal Specialization	Prevention and Remediation	Discipline	Administration of Justice
Board Oversight	Program Committee	Program Committee	Regulation and Discipline Committee	Program Committee	Regulation and Discipline Committee	Regulation and Discipline Committee	Program Committee
Principal Functions	Pre-Admissions • First Year Law Student Examination • Bar Examination • Moral Character	Maintenance of Attorney Roll	Formulation of Rules of Professional Conduct	Certification of Legal Specialists	Client Security Fund	Office of Chief Trial Counsel • Discipline-Related Attorney Investigation and Prosecution • Unauthorized Practice of Law Investigation and Referral for Prosecution • Moral Character Proceedings	Grants to Legal Services Providers
	Certifying Applicants for Admission	MCLE Provider Certification	Ethics Hotline		Lawyer Assistance Program	Probation Monitoring	Access to Justice Policy and Initiatives
	Special Admissions	MCLE Compliance Tracking	Ethics Opinions		Mandatory Fee Arbitration	OCTC Ethics School	Diversity and Elimination of Bias
	Law School Regulation	Certification of Law Corporations and Limited Liability Partnerships	Ethics Symposium		Client Trust Account School	State Bar Court* Hearing and Appellate Review	Evaluation of Judicial Candidates
Sub-Entities	Committee of Bar Examiners		Commission for Revision of the Rules of Professional Conduct Committee on Professional Responsibility	Board of Legal Specialization	Client Security Fund Commission Lawyer Assistance Program Oversight Committee Committee on Mandatory Fee Arbitration Committee on Professional Liability Insurance		Commission on Access to Justice/Committee on Delivery of Legal Services Legal Services Trust Fund Commission Council on Access and Fairness Commission on Judicial Nominees Evaluation and Review Committee
Infrastructure	Executive Director's Office, Finance, General Counsel, General Services, Human Resources, Information Technology, Government Affairs						

*The State Bar Court is not subject to direct oversight by the Board of Trustees with respect to its quasi-judicial functions.



STATE BAR OF CALIFORNIA

**INTER-OFFICE
COMMUNICATION**

DATE: June 6, 2017

TO: LAP Oversight Committee members

FROM: Doug Hull

SUBJECT: Implementation of Strategic Plan

At the March, 2017, this committee approved the strategic plan. The two major components of the approved plan include: program design/development and outreach/education.

The help implement the recommendations of the plan, staff has contracted with [Patrick Krill](#). The outline of the work to be conducted by Mr. Krill is attached to this memo.

Mr. Krill will be in attendance at the June 10, 2017 Oversight Committee meeting to discuss the process for preparing recommendations and to answer questions the committee may have.

Att.

Proposal to implement LAP Strategic Plan:

- Program design and development (50 hours)
 - Review current LAP process to determine if a better process can be adopted
 - *Current Process for Monitored LAP*
 - Intake
 - evaluation plan
 - facilitated group meetings
 - other support meetings (AA, Other Bar, Smart Recovery)
 - random testing, if needed
 - therapy, if needed
 - Other requirements as needed
 - evaluation committee review
 - participation plan
 - see evaluation plan above
 - ongoing monitoring by case manager
 - *Current Process for Support LAP*
 - Intake
 - Support LAP
 - Facilitated group meetings
 - Other recommendations
- Educational material preparation CLE content for current attorneys (25 hours)
 - Review of current materials;
 - Proposed updates or modifications, as appropriate
- Educational materials for new admittees and law students (75 hours)
 - Development of 1-2 hours of standardized content for new admittees on substance abuse ;
 - Propose delivery system and outreach, incorporating the California Young Lawyers Association and local bar associations as conduits for outreach;
 - Preparation of recorded presentation for e-delivery and low- or no-cost CLE, in conjunction with;
 - Development of interactive MCLE on State Bar website with questions and answers on the subject of substance abuse and addiction
- Development of self-study for new admittees (50 hours)
 - Development of 1-2 hours of standardized self-study educational content addressing substance abuse issues for law students
 - Preparation of recorded presentation for e-delivery and low- or no-cost CLE, to the extent it is different than what is noted above.