

## **Board Committee on Operations**

Referral List  
November 3, 2011

### **Category I - Change in Date Only**

None.

### **Category II – Possible Committee Reassignments**

None.

### **Category III – New Matters Requiring Assignment to Appropriate Board Committee**

November Item # 1

#### **State Bar Rule changes to Conform to Senate Bill 163**

Senate Bill 163 (2011 Statutes, Chapter 417) renames the Board of Governors of the State Bar as the Board of Trustees; changes the State Bar Districts, changes the composition and election of attorney members of the board; authorizes annual member fees for 2012; and mandates conforming changes to the State Bar Act. This memorandum recommends State Bar Rule changes to conform to specific changes in a law enacted by SB 163.

Responsible Staff: Mary Yen

**Recommendation: Planning – November**

**BOG – November**

November Item # 2

#### **Proposed Governance Transition Plan**

At the November meeting of the Planning, Program Development and Budget Committee (PPDB), the committee will determine which of the alternative processes and sequences should be released for public comment. After public comment, a recommendation of the process and a determination of the sequence will be approved and made by the Board before the January 31, 2012 deadline.

Responsible Staff: TBD

**Recommendation: Planning – November/Dec**

**BOG – Dec**

November Item # 3

#### **Consideration of Proposed State Bar Formal Opinion Interim No. 10-0002 (re Communications with a Party Represented by Counsel) – Request for Approval**

This item seeks Board Committee on Regulation, Admissions and Discipline (“RAD”) approval of a proposed ethics opinion developed by the Committee on Professional

Responsibility and Conduct. In August, the opinion was distributed for RAD approval pursuant to State Bar Board Book Tab 19, Article 2, section 6(j), which provides: “If within thirty days of circulation, no member of the Board Committee objects to publication, the formal opinion shall be published as hereinafter provided. If within thirty (30) days of circulation, any member of the Board Committee does object, the issue of whether the formal opinion shall be published shall be placed on the agenda of the next succeeding meeting of the Board Committee for decision.” Before the end of the thirty-day period, Michael Tenenbaum, a member of RAD at that time, objected to RAD’s approval of the proposed opinion. Referral to RAD is requested for consideration of a recommendation to approve the opinion.

Responsible Staff: Randall Difuntorum

**Recommendation: RAD - November**

**BOG - NA**

November Item # 4

**Law Practice Management Bylaws Change**

This item seeks request to change the bylaws of the Law Practice Management Section to bring them up to date.

Responsible Staff: Pam Wilson

**Recommendation: MOC – January**

**BOG - January**

November Item # 5

**Addition of Appointing Entity to the California Commission on Access to Justice**

The Commission on Access to Justice is proposing that the California Supreme Court be made an appointing entity to its body. In 1996 the Board approved the establishment of this Commission, including appointments from statewide entities covering a broad-based membership from the legal and judicial professions, business, labor, education and religious communities. The Commission meets regularly with the Chief Justice regarding “access to justice” issues, and it would be appropriate to request a Supreme Court appointment by the Chief Justice to the California Commission on Access to Justice.

Responsible Staff: Mary Lavery Flynn

**Recommendation: Stakeholders – November**

**BOG - November**

November Item # 6

**Diversity Awards - Proposed Additional Category**

Currently, the Diversity Awards, which are presented annually at the State Bar Annual Meeting, include three categories (Attorney, Law Firm, Bar Association). It is requested that fourth category, entitled “Organizations”, be added to the award categories.

Responsible Staff: Patricia Lee

**Recommendation: NAC – November**

**BOG – November**

November Item # 7

**Bi Annual State Audit Process**

Discussion regarding the process for the State of California's Bi Annual Audit of the State Bar.

Responsible Staff: TBD

**Recommendation: Audit Committee – December**

**BOG - TBD**