

AGENDA ITEM

OCT 116

DATE: October 9, 2012

TO: Members, Board Committee on Operations
Members, Board of Trustees

FROM: Jon Streeter, President

SUBJECT: Legal Profession Support for Civic Literacy

EXECUTIVE SUMMARY

In recent years, state and national leaders of the legal profession including retired United States Supreme Court Justice Sandra Day O'Connor and California Supreme Court Chief Justice Tani Cantil-Sakauye have participated in efforts to improve civic literacy. This item seeks the Board's approval of a resolution expressing the State Bar of California's support of efforts to increase civic literacy in California.

BACKGROUND

Civics education designed to improve civics literacy includes explaining the structure of the United States government, including the meaning and influence of the Constitution and its evolution over time. Justice O'Connor became involved in efforts to improve civic literacy following her retirement from the United States Supreme Court when she learned of the general lack of public knowledge regarding civics, particularly the role of the judiciary in our society. Recent statistics show that only about a third of American adults can name all three branches of government, while a third cannot name any. Justice O'Connor's efforts in this area include the creation of a free online education program aimed at middle school students called iCivics.

In California, the 2009 report of the Commission on Impartial Courts, which was established by then Chief Justice Ronald George in 2007 and chaired by Justice Ming Chin of the California Supreme Court, included recommendations on civic literacy and education. These recommendations included the development of a strategic plan for a meaningful contribution to civics education; and to look for opportunities to educate the public. These recommendations led to the creation of the Leadership Group on Civics Education and Public Outreach for the Judicial Branch. This group's initial charge included an immediate focus on civics education for California kindergarten through twelfth grade students.

ISSUE

Should the Board of Trustees adopt a resolution expressing the State Bar of California's support for and participation in efforts designed to increase civic literacy?

DISCUSSION

The legal profession has a vital role to play in educating the public regarding civic literacy because lawyers have specialized knowledge regarding the function of the judicial branch in our democratic system of government. Education of the public in this area falls within the State Bar's charge to "aid in all matters pertaining to the advancement of the science of jurisprudence. . . including, . . . such matters as concern the relations of the bar with the public." (Bus. & Prof. Code, § 6031.) The resolution will involve no expenditures of membership fees. (See *Keller v. State Bar of California* (1990) 496 U.S. 1, 14.)¹

FISCAL / PERSONNEL IMPACT:

None

RULE AMENDMENTS:

None

BOARD BOOK IMPACT:

None

RECOMMENDATION

Staff recommends that the Board of Trustees adopt the proposed resolution.

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Board Committee on Operations agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Board Committee on Operations hereby recommends that the Board of Trustees express the support of the State Bar for efforts to improve civic literacy in California and that the State Bar take all reasonable efforts as permitted by law, in partnership with the judicial branch, to improve civic literacy in California .

¹ Expenditure of mandatory dues on these activities would not fall within the Keller and Brosterhous tests for activities relating to the quality of legal services provided by an attorney to his client or State Bar regulatory activities.

PROPOSED BOARD RESOLUTION:

Should the Board of Trustees agree with the recommendation of the Board Committee on Operations, the following resolution would be appropriate:

RESOLVED, that on the recommendation of the Board Committee on Operations, the Board of Trustees hereby expresses the support of the State Bar for efforts to improve civic literacy in California and that the State Bar take all reasonable efforts as permitted by law, in partnership with the judicial branch, to improve civic literacy in California .