

Board Committee on Operations Referral List

July 17, 2014

Category 1 – Change in Date Only

July #1

Annual Recommendation re Members in Non-compliance with MCLE Audit

We have now completed 3 years of enhanced MCLE Audits. Starting with the 2014 Audit, we are prepared to tighten the Audit schedule so that it does not overlap with the printing of the next year's membership fee statements, which starts at the beginning of November. In past years the overlap has been challenging. In order to rectify this, we need to get the Board permission to place those who are not in compliance on Administrative Inactive status effective November 1st instead of later in November. While we will advance this action to the BoT meeting that takes place at the Annual Meeting, we will continue to provide a more comprehensive recap of detailed Audit statistics annually at a later meeting in the year.

Responsible Staff: Dina DiLoreto

Recommendation: MOC – ~~Nov~~ Sept

BOT – ~~Nov~~ Sept

Category 2 – Possible Committee Reassignments

None.

Category 3 – New Matters Requiring Assignment to Appropriate Board Committee

July #2

Updates to Sample Fee Agreement Forms

The State Bar's Committee on Mandatory Fee Arbitration develops and posts online sample fee agreement forms. These forms are intended to provide the basic minimal requirements for attorneys to use as a sample in creating their own forms. These forms were last updated in 2010 and the proposed updates are intended to ensure the documents conform to recent changes in the

Responsible Staff: Doug Hull

Recommendation: RAD – July/Nov

BOT - Nov

July #3

Adoption of Model Rules for Fee Mediation

The State Bar's Committee on Mandatory Fee Arbitration has developed rules of procedure for Fee Mediation. These rules were developed to aid local programs by providing a template in creating their own rules. These are not required, but any program that does use them ensures they are in compliance with the Minimum Standards and Guidelines for the Operation of a Mandatory Fee Arbitration program.

Responsible Staff: Doug Hull

Recommendation: RAD – July

BOT - July

July #4

Proposed updates to Contra Costa Rules Bar Association's Rules of Procedure for Fee Arbitration

The CCCBA has proposed modifications to their rules of procedure. The CMFA has reviewed the rules and has approved them for adoption. This agenda item seeks the statutory approval of RAD to approve the CCCBA's rules.

Responsible Staff: Doug Hull

Recommendation: RAD – July

BOT – N/A

July #5

Proposed Change to Name of "Associate" Section Members

This is a request to send a rule change out for a 30 day public comment period. The item will present proposed changes to Rules 3.50 and 3.52 in Title 3, Division 2, Chapter 1, with regard to how the Bar refers to "Associate" section members. The proposal would have these individuals, who are not California attorneys, be referred to as "Affiliate" section members going forward.

Responsible Staff: Pam Wilson

Recommendation: MOC – July/Sept

BOT – Sept

July #6

Proposed Changes to Special Master Rules Regarding Eligibility Requirements

A concern was raised at a previous MOC meeting regarding the current Special Master eligibility requirement that an attorney must "not have been disciplined in any court or jurisdiction during the preceding five years". The debate was whether this requirement is strict enough. This agenda item proposes a change to Special Master rule 7.101(B)(2), that would require instead that an attorney applying to serve as a Special Master not have been disciplined in any court or jurisdiction during the preceding ten years. At the July meeting, staff will seek MOC's approval to release this rule change for public comment, and then will return to MOC and the BoT with a recommendation in November.

Responsible Staff: Dina DiLoreto

Recommendation: MOC – July

BOT – Nov

July #7

Proposed Amendment to Legal Specialization Fees

The California Board of Legal Specialization is recommending that the Legal Specialization schedule of fees be amended, which would establish a new discounted annual fee for subsequent areas of specialization for those legal specialists who are already certified in one area of specialization, effective January 1, 2015. Currently, specialists pay \$360 per specialty, but under this new proposal, they would pay \$180 as the annual fee for any specialty beyond the first specialty if they are dual or triple certified specialists.

Responsible Staff: Gayle Murphy

Recommendation: PPDB – July

BOT – July

July #8

Proposed Adjustments in Admissions Fund Fees

The Committee of Bar Examiners is recommending that several of the fees in the Admissions Fund be adjusted to ensure a balanced budget going forward.

Responsible Staff: Gayle Murphy

Recommendation: PPDB – July

BOT – July

July #9

Proposal For a Presidential or Trustee Emeritus Program

This item provides for the establishment and appointment of a past President of the State Bar or an outgoing Trustee to serve in the respective positions of President Emeritus or Trustee Emeritus, following the President's or Trustee's term. The President Emeritus or Trustee Emeritus status will recognize, and extend the State Bar's access to, demonstrated and extraordinary skills and unique assets useful to the next President and the Chief Executive Officer, in partnership with State Bar staff, in implementing initiatives and activities to accomplish the State Bar's public protection mission. The President Emeritus or Trustee Emeritus will not be a member of the Board of Trustees nor sit at the dais, but may attend and participate in Board meetings as needed and coordinated by the CEO and the current President.

Responsible Staff: Francisco Gomez

Recommendation: PPDB – July

BOT – July

July #10

Legal Services Trust Fund – Set Amounts for Distribution, 2015 Annual IOLTA Grants, including Voluntary and State Bar Contributions

Each year, the Board of Trustees sets the grant amount available for distribution from Interest on Lawyers' Trust Accounts ("IOLTA") to nonprofit legal aid organizations in California. While called "IOLTA grants," since 2008, these grants have included voluntary donations to the Justice Gap Fund. Over the years, other contributions through the State Bar Dues bill, or from the State Bar itself, have also been added to the amount available for distribution through these IOLTA grants.

Responsible Staff: Stephanie Choy

Recommendation: BCSR – July

BOT – July

July #11

Commission on Judicial Nominees Evaluation, 2013 Activities and Statistical Report

Lara M. Krieger, Chair of the Commission on Judicial Nominees Evaluation, has prepared the 2013 report concerning the activities of the Commission. Included as part of the report is statistical data regarding the work from the Commission, from 2011-2013.

Responsible Staff: Heidi Schwab-Wilhelmi

Recommendation: BCSR – July

BOT – July