

# Board Committee on Operations Referral List

*November 6, 2014*

## Category 1 – Change in Date Only

November #1

### **Adoption of Model Rules for Fee Mediation**

This item was to be presented to the Board in July. Due to technological issues, the version that was approved by the CMFA was lost and not available in July. This item seeks approval of Model Fee Mediation rules for those local bar associations that offer such a program.

Responsible Staff: Douglass Hull

**Recommendation:** RAD - ~~JUL~~ NOV

BOT - ~~JUL~~ NOV

November #2

### **Updates to Sample Fee Agreement Forms**

This item was on RAD's agenda in July for release for public comment. The committee did not release the proposal as there was a desire to provide input before release for public comment. That process is underway. It is anticipated that the forms will be ready for public comment in March 2015.

Responsible Staff: Douglass Hull

**Recommendation:** RAD - JUL/~~NOV~~ MAR/MAY

BOT - ~~NOV~~ MAY

## Category 2 – Possible Committee Reassignments

None.

## Category 3 – New Matters Requiring Assignment to Appropriate Board Committee

November #3

### **Discipline Standards Task Force -Recommendations for Revisions**

The Discipline Standards Task Force was created by then-Board President Jon Streeter to review the current discipline standards and make recommendations for modifications. This item seeks Board approval of those recommendations.

Responsible Staff: General Counsel

**Recommendation:** RAD - NOV/MAR

BOT - MAR

November #4

**Establishment and Appointments to Second Commission for the Revision of the Rules of Professional Conduct**

At the Bar's request, the Supreme Court has returned the proposed rules drafted by the Commission for the Revision of the Rules of Professional Conduct and submitted to the Court for review. In addition, the Court transmitted recommendations from Court staff to assist the Bar in its task of revising the Rules of Professional Conduct. These include a request that the Bar establish a second commission and appoint its members no later than November 26, 2014. This item requests Board approval to establish the commission, approve its charter, and delegate authority to the President to appoint members of the commission.

Responsible Staff: General Counsel

**Recommendation:** RAD - NOV

BOT - NOV

November #5

**Year End Budget Adjustments**

This is a place-holder agenda item in case staff needs to request amendments to the 2014 budget prior to year-end. This could be necessary if, for example, spending in any of the bar's funds appeared likely to exceed its approved budget. As of this writing, staff does not anticipate the need for any budget amendments but will revisit the question prior to the November meeting, once it has completed its review of the third-quarter financial results.

Responsible Staff: John Chiappetta

**Recommendation:** P&B - NOV

BOT - NOV

November #6

**Request to Change CYLA Charge**

This item seeks to close the loop on the BoT action of October 2013 which authorized CYLA's Board to function as MCLE Auditors thus creating a regulatory role for the organization. Approving this item will formalize the new role in CYLA's Charge.

Background: As a result of the Board restructuring, CYLA's seat was removed from the Board of Trustees and placed into question CYLA's mandatory funding. A regulatory role was identified and the Board of Trustees approved at its October 2013 meeting that the CYLA Board function as MCLE Auditors. The substantive change made by the amendment to the Charge include the addition of a MCLE Activity Auditor Role to the CYLA Committee Charge. The MCLE Activity Audit program is being developed and is nearing completion.

Responsible Staff: Pam Wilson

**Recommendation:** Stakeholders - NOV

BOT - NOV

November #7

**State Bar Section Sponsored Affirmative Legislative Proposals**

This is an annual item for the BOT. This agenda item seeks approval of eleven Section legislative proposals. State Bar Sections may sponsor legislation in their own name following Board of Trustees review and approval. Upon approval, the Sections may pursue the legislative proposals for introduction as section-sponsored legislation. Funding for section activities, including all legislative activities, is obtained entirely from voluntary sources. The State Bar's Office of Governmental Affairs has reviewed the Section legislative proposals and recommends approval.

Responsible Staff: Saul Bercovitch

**Recommendation:** Stakeholders - NOV

BOT – NOV

November #8

**Proposed Rule Change RE LAP contacting attorneys with possible competence issues who are not self-referred**

Rules and procedures for communicating with members when the Bar receives information that the member in question may suffer from diminished capacity and the information is received by means other than a complaint.

Responsible Staff: Richard Carlton

**Recommendation:** A&E – NOV/MAR

BOT – MAR

November #9

**Proposed Amendment to Accredited Law School Rules re Branch Campuses**

Committee of Bar Examiners' request that proposed amendments to Chapter 4 of the Accredited Law School Rules, which more concisely specifies the requirements for opening a branch campus and satellite campus under the standards for accreditation and major change provisions of the rules, be circulated for a 45-day public comment period.

Responsible Staff: Gayle Murphy

**Recommendation:** A&E – NOV/MAR

BOT – MAR

November #10

**Proposed Revisions to Admissions Rules, Statutes and Court Rules re Law School Regulation**

Committee of Bar Examiners' request that proposed amendments to the Admissions Rules, Admissions-related statutes and Court rules regarding the registration of unaccredited law schools and the accreditation of law schools, which would, among other new requirements, require unaccredited law schools to become accredited within ten years of registration and permit the accreditation of online law schools, be circulated for a 45-day public comment period.

Responsible Staff: Gayle Murphy

**Recommendation:** A&E – NOV/MAR

BOT – MAR