

AGENDA ITEM

705 December 19 2014

DATE: December 19, 2014

TO: Members, Board of Trustees

FROM: Larry Yee, Acting General Counsel

SUBJECT: Governance Task Force (Business and Professions Code § 6001.2)

EXECUTIVE SUMMARY

State Bar President Craig Holden has asked that the Board of Trustees be provided the following background on the history, composition, and purpose of the Governance Task Force.

BACKGROUND

The Governance in the Public Interest Task Force was first created when AB 2764 (Stats. 2010, ch. 476) added section 6001.2 to the Business and Professions Code. As originally established, the "Governance Task Force" or "GTF," as it was commonly known, was made up of 11 members of the then Board of Governors that included seven attorney members and three public members who were appointed by the President of the State Bar, as well as the President as the eleventh member and chair. The President added six non-voting ex-officio members composed of the Executive Director, the immediate past Executive Director, the Chief Trial Counsel, the Senior Executive Officer for Admissions, the Presiding Judge of the State Bar Court, and the Principal Attorney to the Chief Justice.

On May 11, 2011, the Governance Task Force presented its work product in the form of a majority report and a minority report, which resulted in the governance reforms enacted in SB 163 (Stats 2011, ch. 417), drawing from both the majority and minority reports. SB 163:

- renamed the board as the Board of Trustees;
- reduced the number of board members from 23 to 19;
- replaced the 9 State Bar districts for elected members based on attorney-population with 6 new districts based on California's six appellate court districts;
- provided for a largely appointed board by reducing the number of elected attorney-members from 15 to 6;

- reduced the number of officers to three, made up of the president, vice-president, and treasurer;
- required the board to ensure that its open meeting requirements are consistent with, and conform to, the Bagley-Keene Open Meeting Act; and
- required the board to complete and implement a five-year strategic plan to be updated every two years.

RECONSTITUTED GOVERNANCE TASK FORCE

In addition, SB 163 revised the make-up of the Governance Task Force, providing that a new GTF would be appointed on or before February 1, 2013 composed of six members appointed from the Board and the President. As amended, Business and Professions Code section 6001.2 specified that the six members be:

- two members shall be elected attorney members of the Board of Trustees who are selected by the elected attorney members,
- two members shall be attorney members of the Board of Trustees appointed by the Supreme Court who are selected by the Supreme Court appointees, and
- two members shall be public members of the Board of Trustees selected by the public members.

The revised GTF is charged with preparing and submitting a report to the Supreme Court, the Governor, and the Assembly and Senate Committees on Judiciary that includes its 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 report was due on or before May 15, 2014, and every three years thereafter. It was to be reviewed by the Assembly and Senate Committees on Judiciary in their regular consideration of the annual State Bar dues measure. (Bus. & Prof. Code, § 6001.2, subd. (b).)

In addition, the GTF shall make suggestions to the Board of Trustees regarding possible additions to, or revisions of, the State Bar's strategic plan and also make suggestions to the Board of Trustees regarding other issues requested from time to time by the Legislature. (Bus. & Prof. Code, § 6001.2, subd. (c).)