

# **AGENDA ITEM**

**151 JULY 2015**

**DATE:** July 1, 2015

**TO:** Members, Nominations and Appointments Committee  
Members, Board of Trustees

**FROM:** Hernan Vera, Chair, Nominations and Appointments Committee  
Joanna Mendoza, Member, Nominations and Appointments Committee  
Ginnie Yee, Office of the Secretariat

**SUBJECT:** Proposed Amendments to State Bar Appointments Application Form

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## **EXECUTIVE SUMMARY**

The State Bar's committee application form has not been significantly revised in the past ten years. The Nominations and Appointments Committee (NAC) seeks to revise the committee application form to streamline and improve the application process.

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## **BACKGROUND**

Each year, the State Bar offers lawyers in California an opportunity to contribute to the legal profession and the public by volunteering to serve on one of the State Bar's committees. In general, the Bar recruits applicants for 48 entities (10 standing committees, 16 section executive committees, 20 special committees, boards and commissions, and two external groups). The State Bar appoints approximately 150-200 new committee members each year.

## **DISCUSSION**

In an effort to streamline and improve the committee application process, the Nominations and Appointments Committee (NAC) undertook an extensive review of the committee application form and proposed several amendments. Staff committee coordinators had an opportunity to review and comment on the proposed changes. In addition, Pam Wilson and Pat Lee distributed the proposed changes to the Council of Sections (COS) members and Council on Access and Fairness (COAF) Chairs, respectively, for feedback. After consideration of the staff committee coordinators, COS and COAF comments, the following amendments are presented to NAC and the Board for consideration.

The most significant proposed amendments are eliminating an applicant's ability to apply to a maximum of three committees, and ranking of first-to-third choice of committee preference. NAC is proposing that an applicant may apply for appointment to no more than two committees, and that separate applications be required such that no ranking of choices be involved in the application process. The rationale for this proposal is two-fold.

First, requiring applicants to rank committees has had the unfortunate consequence of causing committees to view an applicant negatively if a committee is ranked anything other than first choice, or the applicant is viewed as “committee shopping” if two or more committees are identified. This can have the further unfortunate consequence of hurting an applicant’s chances for selection even with their first choice committee. Moreover, applicants repeatedly submitted identical applications to multiple committees resulting in answers and statements of interest (and even letters of recommendation) that are inapplicable to the committee considering the application. As a result, the considering committee often views that applicant negatively, or the applicant is immediately moved to the bottom of the list as not being as interested (or qualified) as other candidates.

Second, limiting applications to two committees will encourage applicants to think even more critically about the committees on which they wish to serve and highlight on the application the qualifications that best meets the committee’s needs. NAC believes this will likely increase the applicant’s chance for appointment. This will hopefully reduce the likelihood that committees will consider other factors that may distract from the applicant’s qualifications and interest.

In the event that two committees select the same applicant for appointment, staff will contact the applicant to determine which committee they prefer. By limiting the number of committee applications to two, the most qualified applicants that are selected, if chosen by multiple committees, will only need to choose between two. This will also reduce the amount of work by staff. All committees will still be required to rank all potential appointees, allowing any vacancy created by a candidate who was selected by and chooses a second committee to easily be filled by the ranking process.

The rationale for each proposed amendment is provided below.

***NOTE: The application form will be redesigned with detailed instructions, improved navigation, including a drop-down selection list of committees. Specifics about the changes to the design of the application are not contained in the proposed amendments that follow.***

**A. General Instructions**

<b>Item No.</b>	<b>Proposed Amendment</b>	<b>Rationale</b>
1.	Clarified that an applicant may only apply to a maximum of two committees, and that a separate application form is required for each committee appointment sought.	Limiting applications to two committees will encourage applicants to think critically about the committees on which they wish to serve and highlight on the application the qualifications that best meets the committee's needs, while addressing concerns raised by some regarding limiting applications to a single committee. Requiring a separate application will also reduce the likelihood of submitting the same application for both committees.
2.	Moved language regarding the Bar valuing “diversity and broad representation in its appointments” to the beginning of the form in the General Instructions and out of the fillable Application part of the form.	Moving language regarding the Bar valuing “diversity and broad representation in its appointments” to the beginning of the form permits the applicant to review the State Bar policies regarding diversity in advance of completing the application and places it in the instructions where it makes more sense. The policy itself applies to all parts of the application, not just certain questions, and moving it further simplifies and shortens the form to the relevant applicant information for the reviewing committee.
3.	Included information about what should be contained in the Statement of Interest. Suggested areas include information previously listed in the questions at the end of the form.	Providing instructions about what to include in the Statement of Interest provides direction to the applicant to include important information relevant to the committee to which the applicant seeks appointment. This also provides further emphasis about the requirement of a Statement of Interest.
4.	Included an Application Checklist to indicate what is required in order for an application to be deemed complete.	Providing an Application Checklist helps to ensure that the applicant submits the required information in order for the application to be deemed complete and aids in the application review process.

## B. Filing Instructions

Item No.	Proposed Amendment	Rationale
1.	Moved the filing instructions to the beginning of the form.	Moving the filing instructions to the beginning of the form permits the applicant to review the instructions <b>before</b> completing the application and to ensure that all relevant information and instructions are easily referenced at the beginning of the document.
2.	Clarified that an applicant may only apply to a maximum of two committees, and that a separate application form is required for each committee appointment sought.	Limiting applications to two committees will encourage applicants to think critically about the committees on which they wish to serve and highlight on the application the qualifications that best meets the committee's needs, while addressing concerns raised by some regarding limiting applications to a single committee. Requiring a separate application will also reduce the likelihood of submitting the same application for both committees.
3.	Eliminated submission of an original plus one copy when the application is sent by mail.	Eliminating submission of a copy with the original hardcopy submission saves resources and eliminates review of duplicate submissions.
4.	Limited resume/biography to a maximum of five pages.	Limiting resume/biography to five pages saves resources; an applicant should be able to clearly provide details about their experience/expertise in five pages. In addition, this will provide some level of equality to submissions.
5.	Clarified that letters of recommendation, though not required, must be submitted with the application.	Clarifying that letters of recommendations must be submitted with the application ensures that the application is complete and does not delay application review.
6.	Clarified that applicants to a section executive committee must be members of that section to be eligible for appointment.	Clarifying that applicants to a section executive committee must be members of that section to be eligible for appointment reduces submissions by non-qualified applicants.

<b>Item No.</b>	<b>Proposed Amendment</b>	<b>Rationale</b>
7.	Clarified that applicants to the California Board of Legal Specialization and its advisory commissions must generally be certified specialists to be eligible for appointment.	Clarifying that applicants to the California Board of Legal Specialization and its advisory commissions must generally be certified specialists to be eligible for appointment reduces submissions by non-qualified applicants.
8.	Added acceptance of applications via email.	Creating an email account has aided in the streamlining of application submissions.
9.	Clarified that all applications must be signed and dated regardless of how the application is submitted. Added acceptance of an electronic signature.	Clarifying that the application must be signed and dated ensures that the application is complete. Providing for electronic signatures allows for receiving applications by email and saving resources.

**C. Application Form**

<b>Item No.</b>	<b>Proposed Amendment</b>	<b>Rationale</b>
1.	Clarified that an applicant may only apply to a maximum of two committees, and that a separate application form is required for each committee appointment sought.	Limiting applications to two committees will encourage applicants to think critically about the committees on which they wish to serve and highlight on the application the qualifications that best meets the committee's needs, while addressing concerns raised by some regarding limiting applications to a single committee. Requiring a separate application will also reduce the likelihood of submitting the same application for both committees.
2.	Limited resume/biography to a maximum of five pages.	Limiting resume/biography to five pages saves resources; an applicant should be able to clearly provide details about their experience/expertise in five pages. In addition, this will provide some level of equality to submissions.
3.	Deleted reference to "Part One" and "Part Two".	Deleting reference to "Part One" and "Part Two" as there is no need to distinguish parts of the application form.

Item No.	Proposed Amendment	Rationale
4.	Simplified committee selection to a drop-down list, eliminated committee preferences and listing of a maximum of three committees.	Simplifying the application form will aid in the completion of the form. The application form also clarifies that an applicant may only apply to a maximum of two committees, and that a separate application form is required for each committee appointment sought.
5.	Deleted committee preferences of first-to-third choice.	<p>Requiring applicants to rank committees has had the unfortunate consequence of causing committees to view an applicant negatively if a committee is ranked anything other than first choice, or the applicant is viewed as “committee shopping” if two or more committees are identified. This can have the further unfortunate consequence of hurting an applicant’s chances for selection even with their first choice committee. Moreover, applicants repeatedly submitted identical applications to multiple committees resulting in answers and statements of interest (and even letters of recommendation) that are inapplicable to the committee considering the application. As a result, the considering committee often views that applicant negatively, or the applicant is immediately moved to the bottom of the list as not being as interested (or qualified) as other candidates.</p> <p>Requiring separate applications for each committee applied for makes ranking unnecessary. If a candidate is selected for more than one committee, staff will contact the candidate to determine upon which committee the candidate would like to serve.</p>

Item No.	Proposed Amendment	Rationale
6.	Moved language regarding the Bar valuing “diversity and broad representation in its appointments” to the Instructions and information at the beginning of the form.	Moving language regarding the Bar valuing “diversity and broad representation in its appointments” to the beginning of the form permits the applicant to review the State Bar policies regarding diversity in advance of completing the application when they are reviewing the instructions and information regarding the application process. Further, it was not exclusively related to the Statement of Interest request or experience with committee questions, so including this language directly above these two items did not make sense. Instead, this language needed to be placed at the beginning as to apply to the entirety of the application. The diversity language applies to the entirety of the application.
7.	Revised questions to determine applicant interest and experience relevant to the committee to which the applicant seeks appointment. Additional background question remains for applicant to add anything else of relevance.	Revised application questions in order to receive information about an applicant’s interest and experience relevant to the committee to which the applicant seeks appointment, and anything else the applicant would like to provide for consideration.
8.	Included an Application Checklist to indicate what is required in order for an application to be deemed complete.	Providing an Application Checklist helps to ensure that the applicant submits the required information in order for the application to be deemed complete and aids in the application review process.

#### **FISCAL/PERSONNEL IMPACT**

None.

#### **RULE AMENDMENTS**

None.

## **BOARD BOOK IMPACT**

Tab 15, Article 1, Sections 2, 4 and 5, Pages 5-9.  
Tab 15, Article 2, Sections 1 and 2, Page 11.

## **BOARD COMMITTEE RECOMMENDATIONS**

The Nominations and Appointments Committee recommends that the Board of Trustees approve the following resolution:

**RESOLVED**, that the Board of Trustees approve the proposed amendments to the committee application form as well as the associated changes to the Board Book.

## **ATTACHMENT(S) LIST**

- A. Revised Application Form
- B. Board Book Changes
- C. Summary of Comments Regarding Proposed Committee Application Changes