

CANDIDACY STATEMENT OF DAVID J. PASTERNAK FOR OFFICE OF PRESIDENT

The State Bar is at a crossroads, which presents us with opportunities that we should seize to further our mission of public protection. We are about to have new staff management, and during the next year, our leadership (and in particular, our President) will have the responsibility of working with our new staff management to cement our joint focus on public protection.

How do we most effectively achieve that goal? First, we need experienced and highly regarded leadership. We need a leader our entire Board can work with and stand behind. And we need someone with the vision, character and integrity to embrace our challenges as well as new opportunities on the horizon.

I have a longstanding track record of leadership during which I have always encouraged opportunities for diverse participation and leadership by others. I believe that, through these endeavors and the way I have led, I have earned the respect of lawyers, judges, and others throughout our state. While practicing in small law firms, I have led bar associations and legal services organizations for over 30 years. I was President of the Los Angeles County Bar Association Barristers, its young lawyers section, in 1984-1985. I was President of the Los Angeles County Bar Association in 1997-1998, President of Bet Tzedek Legal Services in 2003-2004, and President of the Chancery Club in 2012-2013. I also have chaired a Los Angeles City Council Advisory Committee and dozens of committees for an array of bar associations, including the Beverly Hills Bar Association, the Los Angeles County Bar Association, the Association of Business Trial Lawyers, and the American Bar Association. I am very proud to be the first Supreme Court appointee to this Board.

I also have served as a member of the Judicial Council and have worked with the State Bar throughout my career, including CYLA during my Barrister years, and service on the State Bar committee that wrote the initial MCLE rules and instituted MCLE in the early 1990's. I attended approximately 15 State Bar Conferences as a Delegate to the Conference of Delegates, including as Chair of the Beverly Hills Delegation in 1990. Prior to my appointment to the Board of Trustees, I was a member of the California Access to Justice Commission. I continue to work to restore court funding as a member of the Steering Committee of the Open Courts Coalition.

Even more significant than the list of “positions” I have held is *how* I lead. I am a firm believer in consensus building, consistency, transparency and integrity – what you see is what you get. Just as I have done in the past, if elected President I will encourage Board members to express their views and work to achieve a consensus that hopefully has the support of all participants. I will seek and encourage the active participation of all Board members in promoting and furthering our mission.

During my time on the Board, I have undertaken a variety of responsibilities. I have been an active liaison to the Access to Justice Commission and Litigation Section. I have volunteered

and welcomed public speaking opportunities and sought to communicate to judges, lawyers and the community the important work we do, while also trying to correct misperceptions that have resulted from inaccurate media coverage. I served as an active member of multiple committees and task forces, including the Executive Committee, RAD, Senior Lawyers Working Group, Planning and Budget, and TFARR. I also chaired the Stakeholders and Access to Justice Committee, and among other things co-lead the Board oversight of our CMS and Board Book revision projects. However, I believe in quality rather than quantity, and ask to be judged on *how* I fulfilled these endeavors, rather than simply *what* I did. That, in my mind, is the essence of effective and credible leadership.

Significantly, my leadership experience also includes extensive experience with processes of transition and changed leadership. For the last 25 years, my practice has been almost exclusively service as a court-appointed receiver or provisional director, or attorney for those court fiduciaries. In that role, I regularly oversee the operation of challenged businesses, and am often called upon to change the leadership of those businesses in the midst of heavily litigated ownership disputes. As the result of that work, I am experienced collaborating with and educating new business leadership as they navigate processes of change. I am not afraid of those challenges, and willingly embrace them with humor (which often helps) and resolve. As the result of that lengthy work experience with a wide array of businesses, I also understand financial reporting and the importance that the State Bar accurately and thoroughly report its status and financial dealings to its stakeholders.

We now face challenges as the result of the perceptions of our stakeholders and the public. We all know that despite the best efforts of our President, the affairs of the State Bar have not always been accurately depicted in the media. At times, we have been hamstrung by a meritorious commitment to not resort to the tactics of some lawyers who enjoy trying their cases in the press. I intend to work with our new Executive Director to present accurate and thorough information to our stakeholders, to the press, and to the public. Through those efforts, I want to foster more accurate knowledge about our work, our commitment to our mission of public protection, and our many achievements and valuable services, thereby engendering greater support for the State Bar from our stakeholders and from the public.

During the next year, we need to ensure that the recommendations from the State Auditor's Report are addressed. The title of the next State Auditor's Report should not read: "State Bar of California - It Has Not Consistently Protected the Public Through Its Attorney Discipline Process and Lacks Accountability", but rather: "State Bar of California – It Has Consistently Protected the Public and Has Accountability." We can achieve that goal by, among other things, consistently reporting, thoughtfully defining and better explaining all of the backlogged discipline cases in each annual report, while making clear that we have no control over some of those discipline cases, such as those tied up in the criminal justice system and therefore backlogged despite our best efforts to minimize the backlogged discipline case inventory.

In addition, in order to satisfy our obligations to comply with the State Auditor's recommendations and our responsibilities as stewards of this agency, we need to join with our new staff management to review our staffing throughout the State Bar, and especially in the discipline system, to ensure that we are adequately staffed to efficiently and timely process

disciplinary matters and conserve our limited resources to most effectively achieve our mission of public protection. We also need to make certain that we review our financial situation and regularly report clearly and accurately to the Legislative, Executive and Judicial branches about our use of funds and our need for the funds that we receive. In particular, as I have repeatedly voiced during the last year, we need to quickly determine how to best use the Howard Street property in order to maximize its financial value for the State Bar. We also need to adopt clear rules limiting our ability to use reserve funds in the future for purposes for which they are not earmarked.

During my service on the Board, I have tried to serve with conviction and integrity. We have faced difficult issues, and I have never attempted to shirk any issue or change my view because it would result in an easier path or result in avoiding casting a minority vote. I take pride in doing so, in my integrity, and – above all else – in my unwavering commitment to the mission of our organization and the public we serve. I would bring those attributes to bear if given the honor to serve as the next State Bar President.