

AGENDA ITEM

702 OCTOBER 11, 2015

DATE: October 2, 2015

TO: Members, Board of Trustees

FROM: David Pasternak, Chair, Governance in the Public Interest Task Force

SUBJECT: Formation of Governance in the Public Interest Task Force

EXECUTIVE SUMMARY

In 2012, Business and Professions Code section 6001.2, which had established the first Governance in the Public Interest Task Force, was repealed and a new provision enacted, effective in 2013, to reestablish a reconstituted Governance in Public Interest Task Force. As reconstituted, the task force was required to, commencing in 2014 and every three years thereafter, submit by May 15 a report on its measures and recommendations for enhancing the protection of the public and ensuring that protection of the public is its highest priority. The statute provides that the task force is comprised of 7 members, the President and the following members: two elected attorney members of the board of trustees who are selected by the elected attorney members; two attorney members of the board of trustees appointed by the Supreme Court who are selected by the Supreme Court appointees; and two public members of the board of trustees selected by the public members. This item requests Board approval to reconstitute the task force established pursuant to section 6001.2, have the members selected by the various classes of members of the board of trustees specified in the statute, and ratify the members.

BACKGROUND

In 2011, Business and Professions Code section 6001.2 required the creation of a Governance in the Public Interest Task Force, charged with improving the public protection function of the State Bar. Appointed by the President of the State Bar, the task force was made up of seven lawyer and three public members of the board. It also included five ex-officio members. On May 11, 2011, the task force submitted its report to the Supreme Court, the governor and the Senate and Assembly Judiciary committees "containing 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."

In 2012, Business and Professions Code section 6001.2 (added Stats. 2011, ch. 417, § 2.5) was repealed and a new provision enacted, effective in 2013, restructuring the Governance in Public Interest Task Force. Section 6001.2(a) provides that the

Governance in the Public Interest Task Force shall be comprised of 7 members, including 6 members selected from specified categories of members of the board of trustees and the President of the State Bar: two elected attorney members; two attorney members appointed by the Supreme Court; and two public members.

As reconstituted, the task force is required to, commencing in 2014 and every three years thereafter, submit by May 15 to the Supreme Court, the Governor, and the Assembly and Senate Committees on Judiciary a report on its measures and recommendations for enhancing the protection of the public and ensuring that protection of the public is its highest priority. Under Business and Professions Code section 6140.12, the Bar is also required to annually report to the Supreme Court, the Governor, and the Senate and Assembly Committees on Judiciary, in conjunction with the Bar's annual filing of its budget, on the measures the board has taken to implement its strategic plan. Under section 6001.2(b), the task force also makes recommendations to the board regarding possible additions to, or revisions of, the strategic plan required by section 6140.12.

To comply with both these provisions, the State Bar's Board of Trustees annually holds a planning session to review the State Bar's progress in implementing its strategic plan and to consider and propose other measures to enhance its mission of public protection, including proposals to ensure access to justice and diversity in the justice system consistent with that mission. As a result, the full Board, instead of only 7 its members as provided in Business and Professions Code section 6001.2, participates in the development of the measures and recommendations under both statutes. Recently, on February 13, 2015, the Bar filed a report with the Supreme Court, the Governor, and the Senate and Assembly Committees on the Judiciary providing an annual update on the Bar's five-year strategic plan as required by Business and Professions Code section 6140.12. This report specifically indicated that it also included the reporting required under section 6001.2.

In March, the task force was re-established and the Board ratified appointments made by the various groups of Board members as required by the statute. These appointments were as follows. The elected attorney members of the board selected Danette Meyers and David Torres. The attorney members of the board appointed by the Supreme Court selected Miriam Krinsky and David Pasternak. The public members of the Board selected Dennis Mangers and Gwen Moore.

DISCUSSION

Appointments to Governance in the Public Interest Task Force

The President is requesting that the Governance in the Public Interest Task Force be reconstituted for the 2015-16 Board year and have appointments made to it at its organizational meeting on October 11, 2015.

Section 6001.2 provides a procedure for selection of members of the task force. Under section 6001.2, 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. On October 11, 2015, these groups of board members will choose members from their respective groups that they recommend to serve on the task force and those members will be ratified by the Board.

ISSUE

Should the reconstitution of the Governance in the Public Interest Task Force pursuant to 6001.2 and the selections for appointment to the task force be affirmed?

FISCAL / PERSONNEL IMPACT:

Staff time, administrative costs and expense reimbursements related to meetings will result in some fiscal impact, the exact amount of which is unknown at this time.

RULE AMENDMENTS:

N/A

BOARD BOOK IMPACT:

N/A

RECOMMENDATION

It is recommended that the Board of Trustees reconstitute the Governance in the Public Interest Task Force pursuant to Business and Professions Code §6001.2 and ratify the recommendations for appointment to the task force.

PROPOSED BOARD OF TRUSTEES RESOLUTION:

Should the Board concur with the recommendations the following resolution would be in order:

RESOLVED, that the Board of Trustees hereby affirm the reconstituted Governance in the Public Interest Task Force pursuant to Business and Professions Code §6001.2; and it is

FURTHER RESOLVED, that the Governance in the Public Interest Task Force be comprised of the President of the State Bar Board of Trustees, David Pasternak as chair; two elected Trustees, [names]; two Trustees appointed by the Supreme Court, [names] and two public Trustees, [names].