

Board Executive Committee Referral List

May 12, 2016

Category 1 – Change in Date Only

None.

Category 2 – Possible Committee Reassignments

None.

Category 3 – New Matters Requiring Assignment to Appropriate Board Committee

May #1

Proposed Revision to the Rules of Procedure of the State Bar Re: Office of General Counsel Authority to Review Closed Disciplinary Cases Upon Complainant Request

The California State Auditor's June 2015 report on the State Bar recommends that, to provide effective oversight of OCTC, complainant requests for review of closed complaints should be performed by a department independent of OCTC. The proposed amendment to Rule 2603, Rules of Procedure of the State Bar of California is needed to fully implement Recommendation No. 10 of Report 2015-030 of the State Auditor and, if adopted, will memorialize the Board of Trustees' delegation of authority to conduct second look review to the Office of General Counsel.

Responsible Staff: Vanessa Holton

Recommendation: RAD – APR/MAY

BOT – APR

May #2

Rule of Procedure 2201 Proposed Modifications. Request for Release for Public Comment

Rule 2201, Rules of Procedure of the State Bar of California, sets forth a procedure for assigning disciplinary complaints and inquiries to outside Special Deputy Trial Counsel. The proposed amendment to rule 2201, if adopted, will expand the instances when the Chief Trial Counsel must remove herself from consideration of certain complaints and inquiries, require that complaints and inquiries subject to the rule be referred to a Special Deputy Trial Counsel Administrator for initial review and possible assignment to Special Deputy Trial Counsel for investigation, and move away from a volunteer model of appointed Special Deputy Trial Counsel to a compensated model, among other modifications. The item requests that the Regulation and Discipline Committee circulate, for a 45-day public comment period, the proposed amendment to rule 2201.

Responsible Staff: Vanessa Holton

Recommendation: RAD – MAY/JUL

BOT – JUL

May #3

Item related to compensating to rule 2201 Special Deputy Trial Counsel

Current Rule 2201 (a) and (i), Rules of Procedure of the State Bar of California, describe two types of complaints against attorneys that require the appointment of Special Deputy Trial Counsel because of conflicts requiring the recusal of the Office of Chief Trial Counsel. Rule 2201 clearly allows compensation of Special Deputy Trial Counsel in section (a) cases and may allow it in section (i) cases. This item will discuss compensation of Special Deputy Trial Counsel appointed under Rule 2201(i) until the rule is revised.

Responsible Staff: Vanessa Holton/Leah Wilson

Recommendation: RAD – MAY

BOT – MAY

May #4

MCLE Audit Recommendation

This item will propose changes to the administrative MCLE Compliance audit process, including changes to the penalty assessment criteria and dollar amounts.

Responsible Staff: Dina DiLoreto

Recommendation: A&E – MAY

BOT- MAY

May #5

TFARR Recommendation

On November 7, 2014, the Board of Trustees adopted the recommendations of the Task Force on Admissions Regulation Reform (TFARR), related to pre and post-admission competency training. The current item presents staff's proposed modifications to the implementation approach originally prescribed by TFARR, with a request that these concepts be released for public comment. The modified approach is intended to reflect both the spirit of TFARR and principles of fiscal and operational viability.

Responsible Staff: Leah Wilson

Recommendation: A&E – MAY

BOT- TBD