

Board Executive Committee Referral List

July 21, 2016

Category 1 – Change in Date Only

None.

Category 2 – Possible Committee Reassignments

None.

Category 3 – New Matters Requiring Assignment to Appropriate Board Committee

July #1

Recommendation for Support of SB 1281 re Additional Disclosures for Law Schools Regulated by the Committee of Bar Examiners.

Senate Bill 1281 (Block) in its current form requires schools regulated by the Committee of Bar Examiners to provide additional disclosures on their websites. The Committee of Bar Examiners recommends that the legislation be supported by the Board of Trustees on behalf of The State Bar of California.

Responsible Staff: Gayle Murphy

Recommendation: A&E – JUL

BOT – JUL

July #2

Proposed Amendments to Admissions Rules re Processing of Moral Character Determination Applications – Request to Circulate for Public Comment

The Committee of Bar Examiners seeks authorization to circulate proposed amendments to Title 4, Division 1, Chapter 4, Rules 4.44 and 4.45 of the *Rules of the State Bar (Admissions Rules)* regarding the processing of moral character determinations for a 45-day public comment period. The amendments are primarily technical in nature and extend the time period for which status reports must be made to applicants with pending applications.

Responsible Staff: Gayle Murphy

Recommendation: A&E – JUL/NOV

BOT – NOV

July #3

Proposed Amendments to Accredited Law School Rules re Branch Campuses – Request to Circulate for Public Comment

The Committee of Bar Examiners seeks authorization to circulate proposed amendments to the *Accredited Law School Rules* regarding requirements for branch campuses of California accredited law school rules for a 45-day public comment period. The amendments clarify certain aspects of the requirements for establishing branch campuses and update the rules to specify “branch campus” where needed.

Responsible Staff: Gayle Murphy

Recommendation: A&E – JUL/NOV

BOT – NOV

July #4

Proposed Amendment to MCLE Rules re allowable pro bono work for exempt attorneys - Request to Circulate for Public Comment

Current MCLE Rules provide that attorneys who are exempt from MCLE requirements by virtue of their state or federal government employment do not lose their exemption when they provide pro bono legal services through qualified legal services centers or projects. The proposed rule amendment would slightly broaden the interpretation of which centers or projects should qualify.

Responsible Staff: Kelli Evans, Dina DiLoreto

Recommendation: A&E – JUL/NOV

BOT – NOV

July #5

TFARR Update and Recommendations with Requests to Release for Public Comment

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. This topic was addressed at the May A&E meeting, where the Committee recommended that staff work with representatives from both TFARR Task Forces and key stakeholders to get input on modifications and phased implementation that are consistent with the spirit of the TFARR I and II recommendations and address fiscal concerns, with instructions to report back to the committee at the July 2016 meeting.

Responsible Staff: Elizabeth Parker, Leah Wilson

Recommendation: A&E - JULY

BOT- TBD

July #6

2016 Semi-Annual Fiscal Forecast, Variance Report and Mid-Year Budget Amendment

Pursuant to the State Bar's fiscal policy, staff is presenting to the Board the State Bar's 2016 semi-annual fiscal forecast, a budget variance report and the 2016 proposed budget amendment. In January, the Board adopted the State Bar's 2016 budget and according to the State Bar's fiscal policy, the Office of Finance is responsible for monitoring the budget spending throughout the fiscal year. In addition, at the last Board Meeting before the State Bar Annual Meeting, staff is required to present to the Board a semi-annual fiscal forecast and a variance report for budgeted line item with variance greater than \$100,000.

Responsible Staff: Leah Wilson

Recommendation: P&B – JUL

BOT – JUL

July #7

State Auditor Recommendation and Cost/Benefit Analysis of Certain Budget Recommendations

On May 12, 2016, the California State Auditor completed an audit of the State Bar and issued an auditor's report with recommendations. Update regarding progress in implementing those recommendations was due at three intervals from the release of the report: 60 days, six months, and one year. The first status update was due July 11, 2016 and the implementation activities as of June 30, 2016 are presented to the Board at the July meeting.

Responsible Staff: Leah Wilson

Recommendation: P&B – JUL

BOT – JUL

July #8

Proposed Amendment to Rule 5.441(A) of the Rules of Procedure of the State Bar of California Relating to the Filing Requirements for Reinstatement Proceedings - Request for Adoption Following Public Comment.

At its November 19, 2015, meeting, the Regulation and Discipline Committee approved circulating for public comment a proposal to amend rule 5.441(A) of the Rules of Procedure of the State Bar, and to adopt an authorization and release to facilitate the investigation of a petitioner seeking reinstatement to the Bar after disbarment or resignation. The Office of Chief Trial Counsel (OCTC) received four public comments during the 75-day public comment period. Based on a review of the comments, OCTC does not recommend changes to the rule or authorization and release as circulated, and is recommending the Regulation and Discipline Committee and the Board of Trustees adopt the rule and the authorization and release.

Responsible Staff: Gregory Dresser

Recommendation: RAD – JUL

BOT – JUL

July #9

Rule of Procedure 2302 (Disclosure of Information) – Request for Release for Public Comment.

Current Rules of Procedure require Office of the Chief Trial Counsel (OCTC) to maintain confidentiality of investigations against members. Staff seeks authorization to circulate a proposal to clear up any ambiguity as to whether OCTC must observe the same confidentiality of investigations in cases of the unauthorized practice of law by non-attorneys for a 45-day comment period.

Responsible Staff: Robert Retana

Recommendation: RAD – JUL

BOT – JUL