

AGENDA ITEM

112 JULY 2016

**TO: Members, Board Executive Committee
Members, Board of Trustees**

FROM: Leah Wilson, Chief Operating Officer

SUBJECT: Proposed Revisions to the Rules and Regulations of the State Bar of California Pertaining to the Benefits, Terms and Conditions Governing State Bar Court Judge Service

EXECUTIVE SUMMARY

The Rules and Regulations of the State Bar of California Pertaining to the Benefits, Terms and Conditions Governing State Bar Court Judge Service, were first adopted in 1989 to effectuate the statutory provisions mandating that the Board of Trustees delegate to the State Bar Court the authority to adjudicate professional disciplinary matters. [See Business and Professions Code Sections 6086.5, 6079.1]. These rules were last updated in November 2014 but there were no substantive changes to the benefits or terms and conditions. The proposed revisions of these rules seek to include the same healthcare benefits and comparable vacation benefits as those provided for Executive Staff employees under Executive Rules. This is before the Board Executive Committee as that Committee oversees personnel administration. Public comment is not required for internal personnel standards such as these rules.

BACKGROUND

Business and Professions Code Section 6086.5 mandates that the Board of Trustees establish a State Bar Court and delegate to it the authority to determine professional discipline matters. Sections 6086.5 and 6079.1 provide for the appointment of State Bar Court Hearing and Review Department judges to 6 year terms and for judges to be paid a statutorily set amount. Section 6079.1(d) provides that the Board shall "fix and pay reasonable compensation and benefits" to the judges subject to the statutorily fixed annual salary. State Bar Court judges are not State Bar employees. They are appointees that are compensated through the State Bar.

In accordance with the statutory authority, in 1989 the Board of Trustees approved the Rules and Regulations of the State Bar of California Pertaining to the Benefits, Terms and Conditions Governing State Bar Court Judge Service ("State Bar Court Judge Rules.") The rules recognize that State Bar Court judges are not State Bar employees but are independent appointees who serve the disciplinary system in accordance with the statutory provisions. The rules conform to the statutory salary mandate of Business and Professions Code Sections 6086.5 and 6079.1 and otherwise adopt for the judges benefits of employment consistent with those that govern State Bar Executive Staff, to the extent that the adjudicatory independence of the judges allow.

The revisions sought here seek to update the rules to adopt benefits that are consistent with the executive staff benefits.

DISCUSSION

The proposed revisions (Attachment 1) highlight the specific changes to the State Bar Court Judge Rules. The following is a summary of noteworthy changes:

1. The vacation accrual has increased from four weeks to five weeks after fifteen (15) years of service.
2. Retiree healthcare has been added consistent with the executive staff employment rules.
3. Other editorial changes have been made as noted in the attachment.

Changing language on these rules to include eligibility for retiree health care.

FISCAL/PERSONNEL IMPACT

Increasing the vacation accrual afforded to State Bar Court Judges and providing them with retiree health benefits will result in a cost to the State Bar. Given the small number of Judges in total, and the even smaller number that remain with the State Bar for fifteen or more years, the cost is expected to be minimal.

RULE AMENDMENTS

If approved, the item would amend the Rules and Regulations of the State Bar of California Pertaining to the Benefits, Terms and Conditions Governing State Bar Court Judge Service.

BOARD BOOK IMPACT

None. Like the Executive Staff Rules, Confidential Employee Rules, and union Memoranda of Understanding, these rules are not subject to public comment and are not contained in the Board Policy Book.

BOARD COMMITTEE RECOMMENDATIONS

The Board Executive Committee recommends that the Board of Trustees approve the following resolution:

RESOLVED, that the Board Executive Committee recommends that the Board of Trustees approve the proposed amendments to the Rules and Regulations of the State Bar of California Pertaining to the Benefits, Terms and Conditions Governing State Bar Court Judge Service, as set forth in Attachment 1 to be effective August 1, 2016.

FURTHER RESOLVED, that upon the recommendation of the Board Executive Committee, the Board of Trustees hereby approves the proposed amendments to the Rules and Regulations of the State Bar of California Pertaining to the Benefits, Terms and Conditions Governing State Bar Court Judge Service, as set forth in Attachment 1 to be effective August 1, 2016.

ATTACHMENT(S) LIST

- A.** Rules And Regulations Of The State Bar Of California Pertaining To The Benefits, Terms And Conditions Governing State Bar Court Judge Service (Redline version)