

# AGENDA ITEM

**131 MAY 2017**

**DATE:** April 27, 2017

**TO:** Members, Admissions and Education Committee  
Members, Board of Trustees

**FROM:** Gayle Murphy, Senior Director, Admissions  
Natalie Leonard, Director, Legal Specialization

**SUBJECT:** Proposed Amendments to Legal Specialization Rules regarding  
Board of Legal Specialization Advisory Commission Appointments

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## EXECUTIVE SUMMARY

Proposed amendments to the State Bar Rules Title 3, Division 2, Chapter 2, Article 1, Rules 3.92 and 3.93 are being recommended to reflect the Board of Trustees' March 2017 action delegating the appointment of members and officers to California Board of Legal Specialization (CBLS) Advisory Commissions to the CBLS. Since these are technical amendments to conform the rules to the recent action of the Board of Trustees, no public comment is necessary.

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## BACKGROUND

Prior to March 2017, the Board of Trustees appointed members and officers of the CBLS Advisory Commissions. Effective March 2017, the Board of Trustees adopted a new process that delegates this authority to the CBLS.

## DISCUSSION

Following are the proposed amendments to State Bar Rules 3.92 and 3.93, which are recommended to reflect the recent Board of Trustees' action:

(Please note that this section of the Rules refers to the California Board of Legal Specialization as "board" and the Board of Trustees as Board of Trustees.)

### **Rule 3.92 Advisory commissions**

An advisory commission ("commission") is appointed by the ~~Board of Trustees~~ board to recommend and apply certification standards for each area of legal specialization. A commission consists of an even number of attorney members, but no more than eight, and a non-attorney member. One of the attorney members need not be a certified specialist.

### **Rule 3.93 Terms**

(A) Each board and commission member is appointed for a term of four years. A member whose four-year term is expiring may serve an additional year as chair, vice-chair, or immediate past chair. An immediate past chair may also serve an additional year.

(B) A vacancy on the board or a commission occurs when a member dies, resigns, or an attorney member ceases to be an active member of the State Bar. A vacancy on a commission must be filled by the board, and a vacancy on the board must be filled by the Board of Trustees.

The proposed amendments were recently considered by the CBLS and it recommends their adoption, effective immediately upon action by the Board of Trustees. Since these are technical amendments to conform the rules to the recent action of the Board of Trustees, no public comment is necessary.

### **FISCAL/PERSONNEL IMPACT**

The tasks associated with the Commission appointments should result in a positive impact to the workload of the appointments office, and a minimal increase in staff time required by the Legal Specialization department.

### **RULE AMENDMENTS**

State Bar Rules Title 3, Division 2, Chapter 2, Article 1, Rules 3.92 and 3.93 as proposed above.

### **BOARD BOOK IMPACT**

Should the rule changes be adopted, corresponding changes will be made to the Board book.

### **BOARD GOALS & OBJECTIVES**

1c. Implement and pursue governance, composition, and operations reforms needed to ensure that the Board's structure and processes optimally align with the state Bar's public protection mission.

### **BOARD COMMITTEE RECOMMENDATION**

The Admissions and Education Committee recommends that the Board of Trustees approve the following resolution:

**RESOLVED**, that the Board of Trustees approves the proposed amendments to Title 3, Division 2, Chapter 2, Article 1, Rules 3.92 and 3.93 of the Rules of the State Bar regarding Board of Legal Specialization Advisory Commission appointments as included hereto, effective immediately.

### **ATTACHMENT(S) LIST**

None.