

# **OPEN SESSION AGENDA ITEM**

## **42 DECEMBER 2017**

**DATE:** November 22, 2017

**TO:** Members, Board of Trustees

**FROM:** Leah Wilson, Executive Director

**SUBJECT:** Executive Director's Report

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### **BACKGROUND**

Beginning with the December 2017 Board meeting, I will typically prepare a written, versus an oral, Executive Director (ED) report. Over time these reports will settle into a standard format; for now I have selected various topics that I believe will be helpful for framing the December agenda. I anticipate that each Executive Director report will include a section that highlights key agenda items in a similar manner. In addition, I have included a brief update on ED transition activities. Your feedback regarding the format and content of the Executive Director Board reports as I work to finalize them is most welcome.

### **Board of Trustees Agenda: Highlights**

#### Advancing the Bar's Regulatory Focus

Two agenda items address the Bar's continuing transformation; 702, Approval of Agreements Relating to the Separation of the State Bar Sections, and 705, Contract Between the State Bar and the California Bar Foundation. Board action is sought to approve agreements that will result in the separation and independence of the California Lawyers Association as well as the transition of administration of the Bar's affinity and insurance programs to the California Bar Foundation. As a result of the Board's actions, the Bar will make significant progress towards fulfilling Goal 1 of its Five-Year Strategic Plan: *Successfully transition to the "new State Bar"— an agency focused on public protection, regulating the legal profession, and promoting access to justice.*

#### Malpractice Insurance Working Group

The Board is asked to establish a Working Group to address a statutorily mandated study of malpractice insurance. The study will address the question of whether or not professional liability coverage should be mandated as well as the identification of other

measures that might be taken to expand coverage. A report to the legislature on this topic is due March 31, 2019.

### Planning Session Preparation

The Board will receive an update on 2017 progress on Strategic Plan Goals and Objectives and will discuss the proposed agenda for the 2018 Planning Session. While the Board adopted a five-year Strategic Plan in January, 2017, which identifies goals through 2022, the objectives, or activities to address the goals, will necessarily require annual updating. The January Planning Session will focus on these updates, a process which will be facilitated by several panels on areas ripe for further Board exploration.

### **Update: Executive Director Transition Plan Implementation**

Over the last ten weeks since I have assumed the ED position I have met one-on-one with each Board of Trustee (BOT) member and asked the following questions:

- How do you view the Bar? What is working well, not well?
- Where should the Bar be going? Does the Bar's current mission and strategic plan get us there?
- What will my success look like?
- What does ideal BOT support look like?
- What are your strengths? Have these been well used?

I have also begun the staff listening tour component of the transition plan, which comprises one-on-one meetings with randomly selected staff representing each functional area of the State Bar. I am asking staff similar questions to those that have been posed to BOT members, including ones intended to determine how deeply the Bar's mission has penetrated the organization.

With respect to implementation of the Bar's new organizational structure, recruitments for the Chief of Programs and Chief Court Counsel/Administrator continue. I expect to make offers for both positions by the end of this month.

I will provide the Ad Hoc Transition Committee and then the full Board with a comprehensive report on transition activities and findings when we meet in December.

### **Other Updates**

#### Bar Exam Studies

The final report to the Supreme Court on the California Bar Exam is due on December 1, 2017. The report will contain a summary of the three studies completed to date: Recent Performance Changes on the California Bar Examination: Insights from CBE Electronic Databases; Conducting a Standard Setting Study for the California Bar Exam; and Conducting a Content Validation Study for the California Bar Exam. In addition, lessons learned and next steps will be identified. The most significant next

step, approved by the Board of Trustees at its last meeting, will be a California Job Analysis. A group comprised of members of the Committee of Bar Examiners (CBE) and the Board of Trustees will meet in December to develop a proposed process for completion of the Job Analysis. The approach will be vetted by the CBE, the Board of Trustees and the Supreme Court, with the goal of an early 2018 project start date.

Staff will send the December 1 report to the Board once it is finalized and filed.

### Employee Engagement

Protracted and challenging labor negotiations have made it difficult for us to collectively focus on building trust and improving employee engagement. Nonetheless, the Leadership Team has been actively focused on these topics. As a concrete measure of progress and change, we are modifying the Service Awards event this year to reflect feedback received from employees, adding peer nominated staff recognition awards and increasing the time for staff to socialize and connect. We will also be launching an employee onboarding program before the end of the year, one in which all staff will participate. The goal of this latter effort will be to address the widely recognized silos within the Bar as well as to support staff in connecting their work to one another and to the Bar's overall Strategic Plan.

### Case Prioritization

On August 31, 2016, the Assembly Committee on Judiciary sent a letter to then Executive Director, Elizabeth Parker, requesting information on a wide range of topics about Bar operations, including its system of case prioritization. The Office of the Chief Trial Counsel (OCTC) and State Bar Court (SBC) provided information regarding their prioritization strategies in response; the exercise demonstrated the fact that more work was needed in this area.

Under Chief Trial Counsel Steve Moawad's leadership and with the input of key stakeholders, OCTC has been working to identify improvements that can be applied to one or more categories of the case prioritization system. The Board will be asked to approve a preliminary revised prioritization scheme at its January meeting. This approach will result in the application of different processes to specified categories of cases so that resources can be devoted to those cases that present the greatest risk to the public. In the meantime, OCTC will work to identify barriers to implementation, including existing policy directives, and to develop metrics to determine whether implementation of the case prioritization system is beneficial.