

# **OPEN SESSION AGENDA ITEM**

## **701 OCTOBER 2018**

**DATE:** October 19, 2018

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

**FROM:** Leah T. Wilson, Executive Director

**SUBJECT:** 2017-2022 Strategic Plan: Proposed Amendments

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### **EXECUTIVE SUMMARY**

The Board's Finance and Planning Committee received a report regarding 2017-2022 Strategic Plan (Plan) implementation activities at its September 13, 2018, meeting. That report also included proposed Plan modifications for Committee review and discussion, with an indication that the Board would be asked to adopt recommended amendments at its October 19 meeting. The Board is now asked to approve proposed Plan modifications accordingly.

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### **DISCUSSION**

While the organization has made significant progress on the Strategic Plan over the course of 2018, the audit and review that are currently being conducted by the California State Auditor and the Legislative Analyst's Office respectively pose increased workload demands on State Bar staff. In light of the anticipated cumulative impact of these concurrent and intensive efforts, and their significance as related to the fee increase that the Bar must secure for 2020, the Board is asked to approve the following Strategic Plan amendments<sup>1</sup>:

#### Objectives Recommended for Elimination<sup>2</sup>

Goal 2b. Evaluate the impact of Workforce Planning reforms by January 2019.

Workforce planning recommendations have been implemented and extensive work has been done to document related changes to organizational structure and business processes. Additional evaluation is not expected to yield new information.

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<sup>1</sup> Although the impetus for the majority of these Plan amendments is workload, some modifications are proposed to accommodate actual versus projected project timelines as noted below.

<sup>2</sup> Note that one objective proposed for elimination in the September 13, 2018, Finance and Planning agenda item, evaluation of the impact of the transition to a two-day bar exam format, is no longer included in this list as a result of Trustee feedback.

Goal 2d. Implement new-attorney MCLE requirements *and evaluate their impact and effectiveness by July 1, 2021.*

The new requirements have been implemented. Recommended elimination of this objective relates specifically to the evaluation component. Evaluation would be difficult and time-consuming to conduct.

Goal 3c. Implement a Training and Development Program *and evaluate the implementation and related outcomes by January 31, 2019.*

A Training & Development Program has been implemented. Recommended elimination of this objective relates specifically to the evaluation component. Although such an evaluation would be valuable workload considerations outweigh anticipated benefits.

Goal 3f. No later than November 30, 2018, determine whether reallocation of funds to support the discipline system continues to be possible in the light of the fact the Bar has not received a fee increase in 20 years. As part of this effort, reassess the Bar's current Fund classification structure and determine if any changes are needed.

This objective is no longer relevant given the Bar's financial position; elimination is recommended accordingly.

#### Objectives Recommended for Due Date Extension

Goal 2e. Begin auditing attorney compliance with MCLE requirements in the most cost effective and efficient manner no later than December 31, 2019.

Although the project is underway, issues that have been raised by providers who conduct multi-session in-person trainings have increased the needed complexity of the technology solution that the Bar will need to develop. I recommend extension of the due date for this objective to December 31, 2020, accordingly.

Goal 2g. No later than December 31, 2019, evaluate attorney self-assessment models and determine which model will be implemented in California.

I recommend extension of the due date for this effort to December 31, 2020, to address near-term workload considerations.

Goal 2h. No later than July 1, 2020, create a fully articulated preventative education approach to include a self-assessment component as well as client trust accounting modules which may be mandatory for some attorneys.

I recommend extension of the due date for this effort to July 1, 2021, to address near-term workload considerations.

Goal 2p. No later than June 30, 2019, conduct a California specific job analysis to determine the knowledge, skills, and abilities for entry level attorneys. Upon completion, conduct a new content validation study.

I recommend extending the due date for this objective to December 2019. A contractor has recently been selected to conduct the Job Analysis and approved project timeframe contemplates work through November of 2019.

Goal 3g. No later than January 31, 2019, evaluate current collection efforts and determine what might be necessary to improve the Bar's ability to collect discipline and CSF costs.

I recommended extending the due date for this objective to December 1, 2019, to address near-term workload considerations.

#### **FISCAL/PERSONNEL IMPACT**

No fiscal impact at this time. The Board's approval of identified Strategic Plan modifications will enable staffing resources to be effectively redeployed to focus on the audit and review being conducted by the California State Auditor and Legislative Analyst's Office accordingly.

#### **RULE AMENDMENTS**

None

#### **BOARD BOOK AMENDMENTS**

None

#### **STRATEGIC PLAN GOALS & OBJECTIVES**

Goal: 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

Goal: 3. Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

#### **RECOMMENDATION**

It is recommended that the Board of Trustees approve the following resolution:

**RESOLVED**, that the Board approves the following amendments to the 2017-2022 Strategic Plan:

Elimination of the Following Objectives or [Portions of Objectives] from the Strategic Plan:

Goal 2b. Evaluate the impact of Workforce Planning reforms.

Goal 2d. Implement new-attorney MCLE requirements [and evaluate their impact and effectiveness by July 1, 2021].

Goal 3c. Implement a Training and Development Program [and evaluate the implementation and related outcomes by January 31, 2019].

Goal 3f. No later than November 30, 2018, determine whether reallocation of funds to support the discipline system continues to be possible in the light of the fact the Bar has not received a fee increase in 20 years. As part of this effort, reassess the Bar's current Fund classification structure and determine if any changes are needed.

**RESOLVED**, that the Board approves to make the following amendments to the 2017-2022 Strategic Plan:

New Due Dates for the Following Objectives:

Goal 2e. Begin auditing attorney compliance with MCLE requirements in the most cost effective and efficient manner *no later than December 31, 2020*.

Goal 2g. *No later than December 31, 2020*, evaluate current collection efforts and determine what might be necessary to improve the Bar's ability to collect discipline and CSF costs.

Goal 2h. *No later than July 1, 2021*, create a fully articulated preventative education approach to include a self-assessment component as well as client trust accounting modules which may be mandatory for some attorneys.

Goal 2p. *No later than December 2019*, conduct a California specific job analysis to determine the knowledge, skills, and abilities for entry level attorneys. Upon completion, conduct a new content validation study.

Goal 3g. *No later than December 1, 2019*, evaluate current collection efforts and determine what might be necessary to improve the Bar's ability to collect discipline and CSF costs.

**ATTACHMENT(S) LIST**

A. 2017-2022 Strategic Plan



# The State Bar *of California*

## **2017–2022 Strategic Plan**

Updated March 2018



## MISSION STATEMENT

The State Bar of California’s mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.

## GOAL

1

**Successfully transition to the “new State Bar”—an agency focused on public protection, regulating the legal profession, and promoting access to justice.**

### OBJECTIVES

- a. Determine whether additional State Bar functional areas will transition to the Sections entity, other organizations, or to new standalone entities and develop an action plan for those transitions.
- b. 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.
- c. No later than September 30, 2018, determine the appropriate role of, and Board responsibility for, State Bar Standing Committees, Special Committees, Boards, and Commissions in the new State Bar.

**Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.**

### **ATTORNEY DISCIPLINE OBJECTIVES**

- a. For greater transparency, accountability, efficiency, and access, develop and deploy a new case management system for the Office of Chief Trial Counsel, State Bar Court, and the Office of Probation by October 31, 2018.
- b. Evaluate the impact of Workforce Planning reforms by January 31, 2019.
- c. Develop and implement transparent and accurate reporting and tracking of the health and efficacy of the discipline system, to include: (a) completion of a workload study for OCTC and SBC; (b) identification of staffing and resource needs based on the results of that study; and (c) development of new metrics for measuring the effectiveness of the discipline system including any needed revisions to the statutory backlog metric.
- d. Implement new-attorney MCLE requirements and evaluate their impact and effectiveness by July 1, 2021.
- e. Begin auditing attorney compliance with MCLE requirements in the most cost effective and efficient manner no later than December 31, 2019.
- f. Support adequate funding of the Client Security Fund.
- g. No later than December 31, 2019, evaluate attorney self-assessment models and determine which model will be implemented in California.
- h. No later than July 1, 2020, create a fully articulated preventative education approach to include a self-assessment component as well as client trust accounting modules which may be mandatory for some attorneys.
- i. No later than January 1, 2019, require all attorneys to report firm size and practice type to the State Bar and to maintain and update that information.

### **UNAUTHORIZED PRACTICE OF LAW OBJECTIVES**

- j. Monitor improvements in the response to complaints regarding the unauthorized practice of law through tracking and reporting on complaints received, investigation timelines, civil filings, and law enforcement referrals.
- k. Partner with law enforcement agencies to create a coordinated regional response to the unauthorized practice of law.
- l. Identify funding sources, including grant or state funding, to support the Bar's UPL efforts.
- m. Use communications strategies to support UPL enforcement objectives.

### **ADMISSIONS OBJECTIVES**

- n. For greater transparency, accountability, efficiency, and access, develop and deploy a new case management system for the Office of Admissions by June 30, 2019.
- o. After the results of the February 2019 Bar Exam are published, evaluate the results of the two-day exam on pass rates and costs.
- p. No later than June 30, 2019, conduct a California specific job analysis to determine the knowledge, skills, and abilities for entry level attorneys. Upon completion, conduct a new content validation study.
- q. No later than December 31, 2018, review special admissions rules to determine whether changes are needed to support the goal of increased access to legal services or for other reasons, and implement needed changes.

## Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

### EMPLOYEE ENGAGEMENT OBJECTIVES

- a. Improve productivity through performance accountability, training, and professional development.
- b. Improve staff morale and career satisfaction through recognition of performance, career path development, transparent and collaborative communication, and recognition and encouragement of innovation, efficiencies, and money saving ideas.
- c. Implement a Training and Development Program and evaluate the implementation and related outcomes by January 31, 2019.
- d. Conduct an annual employee engagement survey, evaluate changes from prior years, and implement an action plan to address areas needing improvement.
- e. No later than July 1, 2018, develop and implement a Communications Strategy Plan for timely and effective internal communication.

### FINANCIAL MANAGEMENT OBJECTIVES

- f. No later than November 30, 2018, determine whether reallocation of funds to support the discipline system continues to be possible in the light of the fact the Bar has not received a fee increase in 20 years. As part of this effort, reassess the Bar's current Fund classification structure and determine if any changes are needed.
- g. No later than January 31, 2019, evaluate current collection efforts and determine what might be necessary to improve the Bar's ability to collect discipline and CSF costs.
- h. As part of the annual budget development process, determine, consistent with Business and Professions Code section 6140.9, whether there are excess funds in the LAP Fund which can be transferred to support the CSF.

### INFORMATION TECHNOLOGY OBJECTIVES

- i. Implement a new Enterprise Resource Planning System (the Oracle Fusion suite of applications), beginning with the Human Capital Management module by the end of 2018 and continuing with the Finance and Procurement modules by the end of 2019.
- j. Implement a new Licensee Information Management System (LIMS), replacing AS400, by the end of 2021.
- k. Implement a phased upgrade to the Bar's Information Technology infrastructure (networks, servers, desktops, telecommunications and audio/visual), for enhanced capacity, functionality and security throughout 2018 and 2019.

### MANAGEMENT OF OTHER ASSETS OBJECTIVES

- l. No later than November 30, 2018, develop goals and objectives for each functional area of the Bar and use those to develop organizational performance metrics.
- m. In conjunction with annual budgets, ensure maintenance and use of the Bar's Los Angeles and San Francisco buildings to maximize benefit to the Bar and the people of California.
- n. Pursue a two-year fee bill to ensure a balance between accountability and meaningful implementation of important reforms.



## GOAL

## 4

### Support access to justice for all California residents and improvements to the state's justice system.

#### OBJECTIVES

- a. Support increased funding and enhanced outcome measures for Legal Services.
- b. Study and implement improved programmatic approaches to increasing access to justice.
- c. By December 31, 2018, review Lawyer Referral Services certification rules with a goal of increasing access to justice.
- d. Commencing in 2018 and concluding no later than December 31, 2019, study online legal service delivery models and determine if any regulatory changes are needed to better support and/or regulate the expansion of access through the use of technology in a manner that balances the dual goals of public protection and increased access to justice.
- e. No later than December 31, 2019, complete a California Justice Gap Study. The Justice Gap Study will be modeled on the 2017 Legal Services Corporation Justice Gap Study but will also include an evaluation of the costs of legal education in California and the impact of those costs on access to justice, as well as possible approaches to addressing the costs of legal education including loan forgiveness programs or other means.
- f. No later than December 31, 2020, explore options to increase access through licensing of paraprofessionals, limited license legal technicians, and other paraprofessionals.

## GOAL

## 5

### Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.

#### OBJECTIVES

- a. No later than July 1, 2018, develop and implement a Communication Strategy Plan for timely and effective communication about public protection goals, objectives, and accomplishments to external audiences including the public, oversight bodies, regulated parties, and other bars.
- b. Develop metrics to measure both the quality and effectiveness of the Bar's communication and stakeholder engagement strategies and use those metrics to inform modifications to strategy.
- c. Maintain and enhance relationships with courts and other regulatory and enforcement agencies that share a mission of public protection.
- d. Improve transparency, accountability, accessibility, and governance by increasing the availability of meeting materials and public access to meetings and records and reporting these efforts to stakeholders and the general public.