

OPEN SESSION
AGENDA ITEM

54-111 NOVEMBER 2018
Board Executive III.A

DATE: November 15, 2018

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

FROM: Donna S. Hershkowitz, Chief of Programs

SUBJECT: Appointment of Chairs / Vice-Chairs and Members of Sub-entities Subject to Appendix I Review

EXECUTIVE SUMMARY

This agenda item seeks approval of recommendations for the appointment of Chairs, Vice-Chairs and members of subentities that were deferred until the Board of Trustees (Board) made decisions on the size, function and continuation of subentities. These recommendations are informed by and align with the recommendations contained in Board agenda item 704, "Changes to Sub-entity Governance, Structure and Composition: Implementation Plans." This agenda item also recommends extending through the end of January 2019 the terms of the law school deans who serve on the Law School Council and the Advisory Committee on Accredited Law School Rules (RAC).

BACKGROUND

Traditionally, recommendations to the Executive Committee and the Board to fill vacancies on sub-entities are presented on or about May or July each year. Due to the then-pending Appendix I review, which was to include a discussion of the appropriate size of the various State Bar sub-entities, staff did not present to the Board recommendations to fill the expiring terms of members serving on sub-entities subject to the review.

In September 2018, the Board extended through December 31, 2018, the terms of Chairs and Vice-Chairs of those sub-entities subject to its governance review (known as the Appendix I review). The appointments item to the Board noted that staff would return to the Executive Committee or the Board prior to the expiration of these extended terms for appropriate action.

Also at the September 2018 Board meeting, the Board adopted specific recommendations as to the continued functions of many of the sub-entities, as well as a recommendation that the default size for all sub-entities would be seven (7) members.

DISCUSSION

The brief extension of terms of Chairs and Vice-Chairs of the sub-entities subject to the Appendix I review is nearing its conclusion. Having made decisions at the September Board meeting about which sub-entities will continue, it is appropriate now to appoint their leadership.

The Appendix I item on the Board's agenda today presents recommendations for the optimal size of each sub-entity. To the extent that sub-entities are currently larger, staff is recommending in that agenda item that the sub-entities shrink to the optimal size through attrition. This agenda item currently before the Committee and the Board is informed by those recommendations, and thus only recommends filling vacant positions (in addition to naming Chairs and Vice-Chairs) where necessary to achieve the optimal size.

Based on the input and recommendations of the sub-entities, staff is recommending the following appointments:

- Committee on Mandatory Fee Arbitration (CMFA)
 - Re-appoint Lorraine Walsh through the end of June 2019, the proposed termination date of the CMFA, and appoint her as Chair.
 - Re-appoint Clark Stone and Lee Straus through the end of June 2019, and appoint them as Vice-Chairs.
- Client Security Fund Commission
 - Appoint Jordan N. Wright as a public member, for a term to run from November 19 until the end of the annual meeting in 2021. Mr. Wright has a history of serving his community as a member of several boards, commissions, and committees. Mr. Wright is currently a policy advisor for the San Bernardino County Board of Supervisors where he advises the Board on issues related to health and human services. He is particularly interested in the work of the Client Security Fund Commission and brings with him a wealth of public sector knowledge and experience.
 - Appoint current Commission Vice-Chair, Carol A. Klauschie, Esq, as the Chair of the Commission, for a term commencing January 1, 2019, and concluding at the end of the annual meeting in 2019.
 - Appoint current Commission member Shanae Buffington, as Vice-Chair of the Commission, for a term commencing January 1, 2019, and concluding at the end of the annual meeting in 2019.

The addition of the public member position is necessary to bring the Commission to the optimal size recommended and also maintain an appropriate balance of lawyers and non-lawyers.

- Council on Access and Fairness (COAF)
 - Appoint current COAF Vice-Chair, Judge Holly Fujie, as Chair, for a term commencing January 1, 2019, and concluding at the end of the annual meeting in 2019.
 - Appoint current COAF member Judge Brenda Harbin-Forte as Vice-Chair, for a term commencing January 1, 2019, and concluding at the end of the annual meeting in 2019.
- California Board of Legal Specialization (CBLS)
 - Defer appointment of Chair and Vice-Chair to permit CBLS to make recommendations at its November 2018 meeting for now existing CBLS members to fill these leadership positions.
- Lawyer Assistance Program Oversight Committee (LAP OC)
 - Re-appoint Stewart Hsieh to the Committee from January 1, 2019 through December 31, 2019, the proposed termination date of the LAP OC, and appoint him as Chair.
 - Re-appoint Kellie Condon to the Committee from appointment through December 31, 2019, the proposed termination date of the LAP OC.

(These re-appointments are necessary to bring LAP up to the optimal size of seven members.)

Recommendations will be presented to the Board in January regarding the structure, function and composition of both the Legal Services Trust Fund Commission and the California Commission on Access to Justice. These recommendations are being developed through the work of the Stakeholder Working Groups appointed to continue discussion with regard to each of these sub-entities. Neither the Legal Services Trust Fund Commission nor the California Commission on Access to Justice currently have a meeting scheduled for January 2019. As a result, staff is recommending that Chair and Vice-Chair appointments to these bodies be deferred until the January Board meeting.

At this time staff is also recommending the temporary re-appointment of law school dean members of the Law School Council (LSC) and the Advisory Committee on Accredited Law School Rules (RAC). Recommendations about the structure and function of these sub-entities were not considered at the September Board meeting so that staff could convene meetings with law school deans to seek further input on the proposals. Final recommendations will be presented to the Board at the January 2019 meeting. Therefore, staff is recommending the reappointment of the following members of the LSC, for the period commencing on November 19, 2018, and concluding at the end of the January 2019 Board meeting:

- Kevin Johnson, Dean, University of California Davis School of Law
- Lisa Kloppenberg, Dean, Santa Clara University School of Law
- Susan Westerberg Prager, Dean, Southwestern Law School
- Robert Strouse, Dean, Taft Law School

Staff is further recommending the reappointment of the following members of RAC for the period commencing November 19, 2018, and concluding at the end of the January 2019 Board meeting:

- Dean Barbieri, Dean, JFK University School of Law
- Gregory Brandes, Dean, St. Francis School of Law
- Jackie Gardina, Dean, Santa Barbara and Ventura Colleges of Law

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 1. Successfully transition to the "new State Bar" - an agency focused on public protection, regulating the legal profession, and promoting access to justice.

Objective: c. No later than September 30, 2018, determine the appropriate role of, and Board responsibility for, State Bar Standing Committees, Special Committees, Board, and Commissions in the new State Bar.

RECOMMENDATION

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

RESOLVED, that the following appointments and re-appointments are approved to the subentities and for the terms indicated:

- To the Committee on Mandatory Fee Arbitration, from January 1, 2019 through June 30, 2019: Lorraine Walsh, Chair; Lee Straus, Vice-Chair; Clark Stone, Vice-Chair.
- To the Client Security Fund Commission
 - From January 1, 2019 until the end of the annual meeting in 2019: Carol A. Klauschie, Chair and Shanae Buffington, Vice-Chair.
 - Jordan N. Wright, Public Member, from November 19, 2018, until the end of the annual meeting in 2021.
- To the Council on Access and Fairness, from January 1, 2019 until the end of the annual meeting in 2019: Judge Holly Fujie, Chair and Judge Brenda Harbin-Forte, Vice-Chair.

- To the Lawyer Assistance Program Oversight Committee, from January 1, 2019 through December 31, 2019: Stewart Hsieh, Chair, and Kellie Condon.
- To the Law School Council from November 19, 2018, until the end of the January 2019 Board meeting: Kevin Johnson, Lisa Kloppenberg, Susan Westerberg Prager and Robert Strouse.
- To the Advisory Committee on Accredited Law School Rules, from November 19, 2018, until the end of the January 2019 Board meeting: Dean Barbieri, Gregory Brandes and Jackie Gardina.

ATTACHMENTS LIST

None