



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

112 MARCH 2019

BOARD EXECUTIVE COMMITTEE III.A

DATE: March 14, 2019

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

FROM: Kimberly DaSilva, Attorney II, Mission Advancement & Accountability Division

SUBJECT: Approval of 2019 Legislative Priorities

EXECUTIVE SUMMARY

The activities of the State Bar are largely governed by its mission and strategic plan. Those governing principles guide the 2019 legislative priorities, presented in this item for approval by both the Board Executive Committee and the Board of Trustees.

BACKGROUND

In 2018 the Board adopted a new legislative program which articulated the purpose of the program along with a set of guiding principles. The purpose of the State Bar's legislative program is to monitor legislative activity and represent and advocate for the State Bar on legislative, policy and budget matters before the Legislature and the Governor. The State Bar seeks to ensure that laws are in place that enhance the ethical and competent practice of law, the ability to effectively license and regulate lawyers, and provide fair, just, and appropriate discipline of attorneys. It also seeks to ensure that laws enhance access to the profession and the justice system; and, to promote laws that identify effective new tools for, or eliminate unnecessary obstacles to, the carrying out of its public protection mission. The legislative program is designed to advance the State Bar's Strategic Plan.

This agenda item sets forth the State Bar's legislative priorities for 2019, requesting approval for the individual proposals falling within those guiding principles.

DISCUSSION

Increase Licensing Fees

The number one priority for the State Bar during the 2019 legislative session is to amend Business and Professions Code section 6140, to secure an increase in the annual licensing fees paid by attorneys. The income from those fees, which has remained stagnant for over 20 years, form the largest portion of the State Bar's operating budget. The State Bar needs to increase those fees because it is currently working under a structural deficit that is not sustainable for the organization and its important work of protecting the public.

Remaining Proposals

The remaining priorities for the current legislative session can be divided into either substantive proposals or technical, clean up proposals.

The substantive proposals include the following:

Business & Professions Code Section	Purpose of the Proposal
6001.2	This proposal would repeal section 6001.2, which created the Governance in the Public Interest Task Force, because the work it was mandated to do has been accomplished with the final Appendix I resolutions by the State Bar Board of Trustees.
6074	This proposal would amend section 6074 to clarify the State Bar's responsibilities with regard to coordination of pro bono civil legal assistance to veterans.
6076.5	This proposal would repeal section 6076.5 because it prescribes a process by which licensees of the State Bar may formulate Rules of Professional Conduct through initiative based upon outdated State Bar voting districts.
6093.5	This proposal would amend section 6093.5 to require the State Bar to follow State Bar Rules with regard to vexatious complainants when responding to written complaints. It is intended to clarify that the State Bar is not required to continue acknowledging new complains from complainants who submit an excessively large number of complaints deemed to have lacked merit.

The technical, clean up proposals include the following:

Business and Professions Code Section	Purpose of the Proposal
6001.2	If section 6001.2 relating to the Governance in the Public Interest Task Force is not repealed, this proposal would amend it to eliminate outdated references to “elected” Board members.
6022	This proposal would repeal section 6022 regarding Board selection of Secretary because this is a management function involving State Bar staff. Existing law requires annual Board selection of a Secretary, who functions as ongoing staff support to the Board under the general management function of the Executive Director.
6074	In addition to the substantive changes to section 6074, requiring the State Bar to coordinate pro bono legal assistance to veterans and their families, this proposal would amend the statute to eliminate an outdated requirement to conduct a statewide survey because the survey has been completed.
6076.5	If section 6076.5 relating to the State Bar licensees using an initiative procedure to propose Rules of Professional Conduct is not repealed, this proposal would amend it to eliminate outdated references to “State Bar districts.”
6025, 6026	This proposal would amend section 6025 and repeal section 6026, because they refer to a discontinued practice of holding one large “annual” meeting of the Board per year. Because the Board’s current practice is to hold meetings at least every other month, these statutes are outdated and inapplicable to current practice.
6052, 6077	This proposal would amend outdated sections 6052 and 6077 regarding the issuance of subpoenas and the imposition of sanctions to replace “board” with “State Bar Court” because those practices are now performed by the State Bar Court, rather than by the Board.
6013.1, 6013.3, 6013.5, 6016	This proposal would amend sections 6013.1, 6013.3, 6013.5 and 6016 to clarify the beginning and end of the board year.

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

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

Objective I: Pursue a two-year fee bill to ensure a balance between accountability and meaningful implementation of important reforms.

RECOMMENDATIONS

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

RESOLVED, that the Board Executive Committee and the Board of Trustees approve the State Bar's 2019 Legislative Priorities included in this item.