



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

54-111 MARCH 2021

BOARD EXECUTIVE COMMITTEE III.C

DATE: March 18, 2021

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

FROM: Sarah L. Cohen, Attorney, Mission Advancement & Accountability Division

SUBJECT: American Bar Association: Annual Appointment of Delegates

EXECUTIVE SUMMARY

For the past three years, the State Bar has endeavored to transfer all but one of its American Bar Association (ABA) House of Delegates (HOD) appointments to the California Lawyers Association (CLA), recognizing that participation on the ABA HOD aligns more closely with the CLA's function as a membership organization than with the State Bar's mission as a regulatory agency. Of the 11 seats originally allocated to the State Bar, the State Bar currently retains four.

There will be one vacancy for the State Bar to appoint in 2021 created by the expiration of State Bar delegate Esther Lin's term. This agenda item requests the Board of Trustees to reappoint Ms. Lin for another two-year term.

BACKGROUND

The control and administration of the American Bar Association (ABA) is vested in the House of Delegates (HOD). Established in 1936, the HOD meets twice each year, at the ABA Annual Meeting and the Midyear Meeting. Actions taken by the HOD on specific issues become official ABA policy. The State Bar delegates are part of the California delegation, which is led by the elected State Delegate, Laura Farber. The California delegation also includes delegates appointed by local bar associations, ABA sections and divisions, and officers and members of the ABA Board of Governors.

Historically, the Board of Trustees appointed 11 members to the ABA HOD based on the recommendations of State Delegate Laura Farber. On January 1, 2018, as part of the reorganization of the State Bar, the Sections, representing the interests of different legal specializations, separated from the State Bar and the State Bar continued to tighten its focus on its core regulatory mission. The appointment of State Bar delegates to the ABA HOD raised a number of issues including: (1) is the work of the delegates aligned with the strategic goals and objectives of the State Bar; and (2) is the structure of the ABA HOD delegation and the process of appointments effective for achieving those goals and objectives?

With those questions in mind, the State Bar initiated reallocation of delegate seats to a receptive CLA and approached the filling of the remaining State Bar delegate seats with a focused intention.

DISCUSSION

At its June 2018 meeting, the Board took a first step toward realignment of ABA HOD appointments by appointing then Chief of Programs, Donna Hershkowitz, to fill one of the upcoming vacancies. With the appointment of Ms. Hershkowitz, a State Bar leader could begin working with the California delegation and the ABA HOD on issues of common interest and involve the State Bar in a national conversation about issues central to the State Bar's mission. Ms. Hershkowitz is now serving a second term as a State Bar delegate.

The remaining three State Bar delegate seats are filled by individuals with a proven track record serving on State Bar subentities charged with the responsibility of assisting and advising the Board of Trustees in important areas of policy. State Bar delegate Toby Rothschild has a background in access to justice, professional ethics, and lawyer regulation, and has long experience and deep expertise in operational areas core to the State Bar's mission. State Bar delegate Sal Torres has a proven commitment to diversity and inclusion and brings a vital perspective to his service on the ABA HOD. State Bar delegate Esther Lin, as the Chair of the Committee of Bar Examiners, can work to ensure that California is engaged at the national level on issues critical to the work of the Office of Admissions.

Ms. Lin's term expires in 2021. The terms of the other three State Bar delegates expire in 2022. ABA HOD delegates may be reappointed to a second and third term and, therefore, can serve a total of six years (three two-year terms). Ms. Lin is eager to serve a second term and her reappointment is supported by Amy Nuñez, Director of the Office of Admissions.

FISCAL/PERSONNEL IMPACT

The State Bar incurs between \$3,500 and \$4,200 annually per delegate in travel reimbursement expenses. Costs are allocated to both General Fund and restricted funds based on the extent the delegate work touches on distinct areas of State Bar operations.

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

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: 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.

RECOMMENDATIONS

Should the Board Executive Committee concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board Executive Committee recommends that the Board of Trustees reappoints Esther Lin as a State Bar delegates to the American Bar Association (ABA) House of Delegates, contingent upon Ms. Lin being in good standing with the ABA, for a two-year term effective at the conclusion of the 2021 ABA Annual Meeting and expiring at the conclusion of the 2023 ABA Annual Meeting, or until further order of the Board, whichever occurs earlier.

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, reappoints Esther Lin as a State Bar delegate to the American Bar Association (ABA) House of Delegates, contingent upon Ms. Lin being in good standing with the ABA, for a two-year term effective at the conclusion of the 2021 ABA Annual Meeting and expiring at the conclusion of the 2023 ABA Annual Meeting, or until further order of the Board, whichever occurs earlier.

ATTACHMENT(S) LIST

- A. American Bar Association (ABA) House of Delegates: 2021 State Bar of California Delegation Roster



The State Bar of California

ATTACHMENT A

State Bar of California Delegation Roster American Bar Association (ABA) House of Delegates 2021

Term Expiration: Annual Meeting August 4, 2021

Esther P. Lin

Term Expiration: Annual Meeting August 9, 2022

Donna S. Hershkowitz (Staff)

Toby J. Rothschild

Gonzalo R. Torres

CALIFORNIA STATE DELEGATE

Laura V. Farber