



The State Bar *of California*

**OPEN SESSION
AGENDA ITEM
MARCH 2021
BOARD EXECUTIVE COMMITTEE III.G**

Date: March 18, 2021

To: Members, Board Executive Committee

From: Doan Nguyen, Program Manager, Office of Access & Inclusion

Subject: Proposed Revisions to State Bar Rule 3.662 Regarding Legal Services Trust Fund
Commission Term of Appointments: Request to Circulate for Public Comment

EXECUTIVE SUMMARY

Currently, State Bar Rule 3.662 states that the Board of Trustees may appoint each member on the Legal Services Trust Fund Commission (LSTFC) for up to two three-year terms. This agenda item proposes amending Rule 3.662 to align the terms of members of the LSTFC with the Board's decision to change the terms for all subentities to four-year terms with the possibility of reappointment to serve as an officer. The agenda item requests approval to circulate this proposed rule change for a public comment period of 30 days.

BACKGROUND

In September 2018, as part of its review of governance and oversight of State Bar subentities, the Board of Trustees received a report evaluating the number, size, organizational structure, and functions performed by many of the committees, commissions, boards, and councils that support the work of the State Bar. The Board of Trustees approved seven global recommendations related to the size, structure, and organization of all subentities. Relevant here, the Board recommended that terms for all subentity volunteers be standardized at four years with the possibility of reappointment to serve as an officer.

Implementation of recommendations regarding the LSTFC were deferred pending a stakeholder engagement process. Although this process concluded in January 2019, due to other pressing priorities at the State Bar, the proposed rule change regarding the LSTFC term of appointments was not brought to the Board earlier.

The LSTFC consists of 24 members. The Board appoints 14 members, and the Chief Justice, as chair of the Judicial Council, appoints the remaining 10 members. Currently, State Bar Rule 3.662 states that the Board of Trustees may appoint commissioners for a term of three years that begins and ends at the State Bar annual meeting. The rule further allows the Board to reappoint commissioners for a second three-year term or to extend an initial or second term by one or two years to serve as chair or vice-chair.

The Board Executive Committee and Board were aware of staff's intent to proceed with this rule amendment, and approved appointments in 2019 and 2020 for four-year terms in anticipation of this rule change being pursued.

DISCUSSION

The term of appointments for members of the LSTFC should reflect the global recommendations, which set terms at four years with the possibility of reappointment to serve as an officer. Since the State Bar annual meeting no longer takes place, staff also recommends removing references to the meeting as the beginning and end dates of the term. These changes will enable better coordination of the appointments process and ensure that subentity volunteers at the State Bar are treated equitably.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR

Title 3, Division 5, Chapter 2, Rule 3.662 of the Rules of the State Bar of California

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None - core business operations

RECOMMENDATIONS

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

RESOLVED, that the Board Executive Committee direct staff to circulate for a 30-day public comment period proposed changes to State Bar Rule 3.662, as set forth in Attachment A.

ATTACHMENT(S) LIST

- A. Proposed Changes to Rule 3.662

State Bar Rule 3.662
Proposed Revisions (Redline)

Rule 3.662 Legal Services Trust Fund Commission membership and terms

The commission consists of twenty-one voting members and three nonvoting judicial advisors. At least two members must be or have been within five years of appointment indigent persons as defined by statute.¹ No employee or independent contractor acting as a consultant to a potential recipient of Trust Fund grants may be appointed to the commission.

- (A) The Board of Trustees appoints 14 voting members, 10 of whom must be licensees of the State Bar and four of whom must be public members who have never been admitted to the practice of law in any United States jurisdiction. Each member serves at the pleasure of the Board for a term of ~~four~~three years~~that begins and ends at the State Bar annual meeting. Upon completion of an initial term, the Board may reappoint a member for a second three-year term.~~ The Board may extend ~~an initial or second term by one or two years~~a term by an additional year to allow a member to serve as chair or vice-chair.
- (B) The chair of the Judicial Council appoints seven voting members, five of whom must be licensees of the State Bar and two of whom must be public members, as well as three nonvoting judges, one of whom must be an appellate justice. Each member serves at the pleasure of the chair of the Judicial Council for a term of three years. (C) The Board of Trustees appoints voting members as chair and vice-chair.

¹ Rule 3.662 adopted effective March 6, 2009; amended effective January 1, 2012; amended effective September 14, 2014; amended effective January 25, 2019.