



# The State Bar of California

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## **OPEN SESSION**

### **AGENDA ITEM**

**54-117 JULY 2021**

### **BOARD EXECUTIVE COMMITTEE III.A**

**DATE:** July 22, 2021

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

**FROM:** Dag MacLeod, Chief of Mission Advancement & Accountability Division

**SUBJECT:** Approval of Per Diem for Public Members of Board Subentities

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### **EXECUTIVE SUMMARY**

This agenda item seeks Board approval for establishing a \$50 per diem for public members of State Bar subentities.

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### **BACKGROUND**

Business and Professions Code section 6028 authorizes the Board of Trustees to compensate public members of the Board at a rate of \$50 per diem for their work, not to exceed \$500 in a given month. There is, however, no such statutory provision for compensation of public members of State Bar subentities. Nor is there any State Bar rule or other authority that would allow for compensation of public members of State Bar subentities.

### **DISCUSSION**

Active participation of the public is critical to the work of State Bar subentities. Recently formed subentities — including the California Paraprofessional Program Working Group, the Closing the Justice Gap Working Group, and the Ad Hoc Commission on the Discipline System — highlight the importance of ensuring that the State Bar's work is informed by the perspective of consumers of legal services.

State Bar staff have been working to improve outreach and raise awareness among consumers about the opportunities available for participation in the work of subentities. Establishing a per diem for members of the public would provide greater incentive to members of the public to participate in this work and, in so doing, amplify the voice of the public in the State Bar's process of making decisions about policies and programs related to the legal profession.

Establishing a \$50 per diem for public members of State Bar subentities would also create more consistency in the compensation of public members participating in the work of the State Bar. This proposal would mirror the current policy applied to public members of the Board of Trustees in establishing a cap of \$500 per month for compensation. And, for purposes of this proposal, a "public member" of a subentity would explicitly exclude former attorneys and attorneys who are licensed in other states.

This proposal, however, would differ somewhat from the policy for compensating public members of the Board of Trustees. First, the per diem would be paid only for days in which public members participate in meetings of the subentity that last an hour or longer. Reimbursement for public members of the Board of Trustees currently allows for compensation "for each day actually spent in the discharge of official duties."<sup>1</sup>

The public members to whom this applies would only be those serving on subentities created by the State Bar. Statutorily created subentities — such as the Lawyer Assistance Program Oversight Committee — would be exempted from this policy in deference to the Legislature, which has explicitly provided a per diem for some subentities but not others.

## **FISCAL/PERSONNEL IMPACT**

The cost of implementation would be minimal and absorbable within the existing State Bar budget.

## **AMENDMENTS TO RULES OF THE STATE BAR**

None

## **AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL**

Section 9.5 of the Board of Trustees Policy Manual (Board Book) addresses the "Statutory Compensation" of \$50 for public members of the Board of Trustees. This proposal would amend Section 9.5 as shown in attachment A.

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<sup>1</sup> Business & Professions Code § 6028.

## **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: 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.

## **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 approve the creation of a policy establishing a \$50 per diem for public members of State Bar-created subentities not to exceed \$500 in any month.

**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, approves the creation of a policy establishing a \$50 per diem for public members of State Bar-created subentities not to exceed \$500 in any month.

## **ATTACHMENT LIST**

- A.** Proposed Revision to Board of Trustees Policy Manual

Proposed revisions to the State Bar Board of Trustees Policy Manual

9.5 ~~STATUTORY~~ COMPENSATION FOR PUBLIC MEMBERS

Public members (non-attorneys) of the Board of Trustees are entitled to receive \$50 per day for each day actually spent in the discharge of official duties, not to exceed \$500 per month. Public members of State Bar created subentities are entitled to receive \$50 per day for each day that they attend a subentity meeting of at least one hour in length. ~~All public m~~embers must complete and return the Public Member Request for Statutory Compensation form ~~in order~~ to receive this compensation. Attorney members do not receive any compensation other than travel reimbursement and the per diem for meals and incidentals when traveling on State Bar business. (Source: Bus. & Prof. Code § 6028; Board of Trustees, July 23, 2021)