



The State Bar of California

OPEN SESSION

AGENDA ITEM

50-3 MARCH 2022

BOARD EXECUTIVE COMMITTEE III.C

DATE: March 24, 2022

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

FROM: Donna S. Hershkowitz, Chief of Programs & Legislative Director
Bridget Fogarty Gramme, Deputy Chief of Programs

SUBJECT: Approval of 2022 Legislative Priorities

EXECUTIVE SUMMARY

Each year, following discussions with the Board of Trustees' legislative liaisons, staff recommend affirmative legislative priorities for Board approval. With this approval, staff continue to develop the proposals, conduct necessary research, and begin communications with key stakeholders to determine whether and how to pursue these priorities during the current legislative session. This agenda item identifies nine affirmative legislative proposals for Board consideration addressing the annual licensing fee, the attorney discipline system, access to justice, and diversity, equity, and inclusion (DEI). In addition, the Board will be receiving recommendations from the Ad Hoc Commission on the Discipline System at an upcoming Board meeting which, if approved, will be added to these legislative priorities. Staff may return in coming months with additional affirmative legislative priorities or with recommendations for State Bar positions on pending legislation.

BACKGROUND

In January 2018 the Board of Trustees adopted guiding principles for determining appropriate legislation to pursue and on which to take formal positions. (See Attachment A) The guiding principles provide generally that "[t]he State Bar's legislative program is guided by the mission of the State Bar. ... 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. The State Bar seeks to ensure that laws enhance access to the profession and the justice system. The State Bar seeks to promote laws that identify effective new tools for, or eliminate unnecessary obstacles to, the carrying out of the Bar's public protection mission. The State Bar's legislative program seeks to advance the five goals set forth in the State Bar's 2017–2022 Strategic Plan.

DISCUSSION

At this time, staff is recommending that the Board adopt nine legislative priorities, four related to the discipline system, two related to access to justice, two related to the annual attorney licensing fee (including one relating to the elimination of bias fee), and one relating to the Lawyer Assistance Program (LAP).

ANNUAL ATTORNEY LICENSING FEE

Annual Inflationary Adjustment

In 2019, the Legislature approved, for the first time in over 20 years, an increase to the attorney licensing fee. This increase was effective for the annual billing period for 2020, beginning in December 2019. The fee increase was provided expressly to support the following:

- A 3.5 percent cost-of-living adjustment for staff, which was granted on January 1, 2020—supported with a \$13 increase to the licensing fee.
- Extending retiree health to nonexecutive staff—supported with a \$17 increase to the licensing fee.
- The structural deficit created by more than 20 years of no fee increase in the face of rising costs—supported with a \$21 increase to the licensing fee.
- Nineteen new staff in the Office of Chief Trial Counsel (OCTC) to create a new enforcement team—supported by a \$13 increase to the licensing fee.
- Routine or cyclical replacement of Information Technology (IT) hardware—supported by a \$7 increase to the licensing fee.
- Additional short-term fee increases were provided to fund specific IT and capital improvement costs.

In other words, there were specific purposes to which the fee increase was dedicated. This fee increase did not yield additional money for growth in expenditures on staff, equipment, or other items, although the costs of such items have and, of course, will continue to increase year over year. Because of that, in addition to the specific dollar amount requested, in 2019 the State Bar requested that the fee be adjusted each year by the rate of inflation. In its analysis of the State Bar's fee request, the Legislative Analyst's Office (LAO) recommended against an inflationary increase, noting that it could limit legislative oversight. The LAO noted that "[t]o the extent that State Bar expenditures do not exceed the inflationary adjustment, the State Bar would have significant flexibility in the use of any excess funding. This could result in the commitment of funds to projects or activities that are not aligned with legislative priorities, not sufficiently justified, or could have significant out-year costs. To the extent that the State Bar seeks fee increases intermittently, it could be difficult for the Legislature to evaluate the

request and undo commitments that may have been made that do not conform to legislative priorities or expectations.”¹ The report from the California State Auditor analyzing the State Bar’s fee request did not address this part of the funding request.

According to the State Bar’s Office of Finance, although the average rate of inflation over the last five years was 2.4 percent, the rate of inflation for 2021 was 4.7 percent. If the mandatory component of the 2022 licensing fee had been adjusted by 2021’s 4.7 percent rate of inflation, the State Bar could anticipate approximately \$4.7 million in additional revenues, eliminating the \$3.9 million difference between expenditures and revenues anticipated in the 2022 budget approved by the Board in February. Our experience in not being able to secure a fee increase in more than 20 years demands that the State Bar pursue an annual inflationary adjustment for the licensing fees. As with most governmental organizations, personnel expenses are the largest single component of State Bar expenses. Providing an annual inflationary adjustment will allow the State Bar to fund negotiated merit increases (also known as step increases) and cost-of-living adjustments, as appropriate. In fact, the union representing State Bar employees has already indicated it intends to seek a large inflationary adjustment as part of the bargaining process for the successor contract to the one that expires at the end of December 2022. Providing an inflationary adjustment will also enable the State Bar to responsibly grow the staff as needed to carry out the State Bar’s mission and meet the expectations and performance objectives set out by our oversight bodies.

Fees Revenue Supporting Diversity, Equity, and Inclusion

On March 15, 2021, the State Bar submitted its 2021–2022 biennial DEI plan to the Legislature identifying the State Bar’s accomplishments, activities, policies, and procedures “to enhance access, fairness, and diversity in the legal profession and the elimination of bias in the practice of law.” (Bus. & Prof. Code, § 6001.3.) The plan describes activities which leverage the State Bar’s unique position to have the greatest impact, including collecting, publicizing, and serving as a repository for data that brings clarity to DEI issues and can help shape interventions, making systematic changes as a regulator, and incubating innovative programs that can be scaled to increase DEI throughout California’s legal profession. The plan thoroughly describes the funding needed to support the State Bar’s current and future efforts:

The primary funding source for the State Bar’s DEI work has been the Elimination of Bias (EOB) opt-out fee that is part of the annual attorney licensing fee. This fee generates approximately \$300,000 in annual revenue, which is used primarily to fund staff in the State Bar’s Office of Access & Inclusion responsible for supporting COAF and carrying out much of the work outlined in this report. ... As reflected in both the significant body of work completed as well as the depth and breadth of future planned efforts, the State Bar’s DEI funding needs far outpace available resources.

The report outlines the need for an ongoing funding increase of \$425,000 to fully support the State Bar’s efforts to meaningfully impact DEI in the legal profession.

¹ The California State Bar: Considerations for a Fee Increase, LAO, June 26, 2019, at p. 19.

Examples of the activities that would be supported by that funding include: a robust evaluation of law school retention initiatives to identify those practices that are demonstrated to result in a more diverse, equitable, and inclusive attorney population; support for local and affinity bar summits to replicate at the local level the statewide convenings hosted by the State Bar focused on specific calls to action; funding to support a pilot appointed-counsel program for income-qualifying respondent attorneys to address one of the findings of the study analyzing disparate impacts in the discipline system; and permanent funding enabling two administrations of the California Strategies and Stories Program annually.

Staff recommends that the Board approve pursuing options that increase the annual licensing fee by a nominal amount to support this important part of the State Bar's mission. The two best options are:

- Make support for elimination of bias part of the mandatory licensing fee, eliminating the ability attorneys currently have to "opt out," and subtract \$2 from their licensing fees. This change alone would satisfy one-half of the ongoing need identified. An additional \$1 added to the licensing fee for all attorneys (active and inactive) would provide the additional one-half.
- Continue with the EOB fee as an opt-out but increase the amount dedicated to elimination of bias from \$2 to \$5 by increasing the mandatory licensing fee by \$3. Licensees who opt out would have no fee increase, while licensees who pay the EOB fee would pay \$3 more each year. The amount of this recommended increase assumes that the percentage of attorneys who opt out does not increase with this small increase to the licensing fee.

Upon authorization by the Board, staff will work with the Legislature to determine which option would be most viable.

DISCIPLINE SYSTEM FAIRNESS AND EFFICIENCY

Staff recommends that the Board approve the following four legislative priorities to improve the fairness and effectiveness of the discipline system. These proposals support OCTC's goal of engaging in more robust and effective investigations, where warranted, and expeditiously protecting the public from attorneys who pose a substantial risk of harm. The proposals also include a placeholder for statutory changes needed to implement elements of the Client Trust Account Protection Program (CTAPP), pending the completion of public comment and adoption by the Board.

Access to Tools to Improve State Bar Disciplinary Investigations

Staff recommends amending section 1808.51 of the Vehicle Code to authorize OCTC investigators to access Department of Motor Vehicles (DMV) photos (also known as Soundex photos). Up until the early 2000s, OCTC investigators had access to these photos, which are invaluable for identifying individuals in investigations. At some point, for reasons unknown to existing OCTC staff, DMV removed OCTC's ability to access these files. When OCTC had access to these photos, they were able to use them to confirm witnesses' statements about the

targets of their investigations—particularly in cases involving attorney impersonation and unauthorized practice of law (UPL), where the individuals at issue are not licensed attorneys and the State Bar has limited information about them. It is standard procedure in law enforcement to utilize photos when interviewing witnesses to validate the information before proceeding with prosecution. This lack of access has proven especially problematic in matters involving UPL because it prevents OCTC from providing specific detailed information when referring these matters to local law enforcement. Often, given the limited information OCTC can provide, local district attorneys opt not to pursue UPL cases that OCTC bring to their attention, posing a great risk to the public.

Under current law, the attorney general, district attorneys, and law enforcement agencies employing sworn peace officers, among others, can access DMV photos. Despite OCTC's regulatory enforcement duties, the State Bar is not considered a law enforcement agency because we do not employ sworn peace officers with the power of arrest. However, the Department of Real Estate and the Bureau of Automotive Repair, which have regulatory enforcement duties similar to OCTC, and also do not use sworn peace officers and are not considered law enforcement entities, have statutory authorization to access these same DMV photo records. According to the legislative history, the Legislature authorized the Department of Real Estate to access the photos in 2011 to address the loan modification and mortgage crisis and authorized the Bureau of Automotive Repair to access the photos in 2018, although the reason for their authorization is not found in the legislative history. This proposal would extend to OCTC the same authority provided to these other regulatory agencies for the purpose of carrying out its investigations into attorney misconduct and UPL.

Another tool proposed to enable OCTC to conduct more robust investigations is to amend section 1808.4(a) of the Vehicle Code to add OCTC attorneys and investigators to the list of those who may request the DMV to maintain their home addresses as confidential. Vehicle Code section 1808(a) provides, in pertinent part, that all DMV records relating to the registration of vehicles and other information contained on an application for a driver's license is open to public inspection during office hours. Section 1808.4(a) provides a list of 24 categories of individuals whose home addresses are confidential and not subject to this provision, including various public officials, law enforcement, certain county counsel, employees of a trial court, certain social workers who work for a county, state employees who serve as museum security officers, motor carrier specialists with the California Highway Patrol, and licensing program analysts working with the Department of Social Services. OCTC is planning to increase the amount of active, in-field investigations. However, since the State Bar neither has nor supplies State Bar vehicles, investigative staff doing field work must use personal vehicles. Using personal vehicles in the absence of such confidentiality leaves them susceptible to being tracked down at home through their vehicle registration and subjected to harassment and threatening conduct by complaining witnesses or respondents. Similarly, potential harm could result if the identity of the attorney or investigator is known, the complaining witness or respondent would be able to access the attorney or investigator's address by requesting their driver's license information.

Expedited Efforts to Protect the Public from Those Who Pose a Substantial Risk of Harm

Current law (Business and Professions Code section 6007(c)(2)) authorizes the State Bar Court to order that an attorney be involuntarily enrolled inactive upon finding that: (1) the attorney has caused or is causing substantial harm to their clients or the public; and (2) there is a reasonable probability both that OCTC will prevail on the underlying misconduct matter and that the attorney will be disbarred. These involuntary inactive proceedings are undertaken to expeditiously stop an attorney from continuing to practice while the underlying misconduct matter is proceeding at its normal pace. This proposal would instead allow the court to enroll attorneys involuntarily inactive where there is a reasonable probability that the attorney will be subject to an actual suspension of 12 months or more and the other criteria are met.

The proposal will enhance the State Bar's ability to protect the public where there is a showing of substantial harm, by permitting an early interim suspension where a lengthy actual suspension is reasonably probable. This is limited to attorneys who have committed serious misconduct and pose a risk to the public. Under the existing law, if the State Bar Court finds that OCTC has presented substantial evidence that an attorney has multiple misappropriations totaling over \$100,000, but the attorney has no prior record of discipline, the attorney is not reasonably likely to be disbarred under the discipline standards. As a result, such an attorney would continue to have the ability to practice, engage new clients, access client trust accounts (CTAs), and engage in similar activity until the investigation concludes, OCTC files a Notice of Disciplinary Charges, the State Bar Court recommends discipline, and the Supreme Court approves that recommendation. Under the facts noted above, although a lengthy actual suspension would be imposed, it is not clear that disbarment would result. The proposed amendment to Business and Professions Code section 6007(c)(2) would allow the court, in this example, to protect existing and future clients by halting the ability of this attorney to continue to practice while the process moves forward. Between 2017 and 2021, OCTC has sought involuntary inactive enrollment for 11 attorneys pursuant to section 6007(c)(2), with the majority of those occurring in 2019 at seven cases. OCTC estimates that these numbers will double under this proposal.

Efforts to Improve Oversight of Attorney Handling of CTAs and Client Funds

In July 2021, the Board established the Committee on Special Discipline Case Audit to further analyze the audit report on closed discipline cases against Thomas Girardi and to develop a proposed corrective action plan aimed at strengthening the regulatory framework for CTA management. In November 2021, the Board accepted the report of the committee and directed staff to finalize rule proposals for consideration by the Board at a future meeting for circulation for public comment and adoption. Although most proposals will be able to be adopted by rule, statutory change is required—or may be beneficial—for a couple of the proposals requiring review and auditing of CTAs. Specifically, staff recommends that the Board adopt as a legislative priority, statutory changes to implement the following recommendations from the committee:

- Requiring banks to report to the State Bar account information about every trust account held by a California licensed lawyer, whether or not the account is overdrawn and whether or not the account is an Interest on Lawyers' Trust Account (IOLTA).

- Requiring attorneys identified by the State Bar to engage an independent certified public accountant (CPA) to conduct a compliance review of the attorney's CTAs. According to the committee's report:

Compliance reviews are a method of examining records in a client trust account to ascertain whether key processes are being conducted and documented as required. ...Selection of attorneys for compliance review should be based on both risk assessments (attorneys for whom current data suggest are at higher risk for client trust account deficiencies) combined with random selection from the universe of attorneys responsible for client trust accounts. ... Risk assessment allows the State Bar to focus resources and protection where the risk to clients is greatest.

- Audits of attorneys with responsibility for trust accounts, following the compliance reviews. This is one of the several actions that could be taken following the compliance review; the other recommended actions do not require statutory change.

The CTAPP is estimated, at minimum, to have a one-time cost of at least \$500,000 and ongoing costs of \$3.35 million annually. It is estimated that this funding level would support 15 full-time equivalent staff and 500 compliance reviews and audits annually. In addition, the estimated funding level assumes an investment in automation of the CTAPP at all levels, including with respect to the transmission of CTA information between licensees and the State Bar. The State Bar's General Fund cannot currently support estimated CTAPP implementation costs. Additional licensing fees would need to be levied to generate CTAPP operating revenue.

ACCESS TO JUSTICE

Strategic Funding for Legal Services

The Legislature amended Business and Professions Code section 6140.03 effective January 1, 2021, to increase by \$5 the contribution to legal aid that is part of attorneys' annual license fees. (This increased the total opt-out from \$40 to \$45.) The additional \$5 was earmarked to provide funding to qualified legal services projects and support centers to hire provisionally licensed lawyers. Since the provisional licensure program sunsets on June 1, 2022, funding for this purpose also sunsets this year.

A review of the data demonstrates that the increase to \$45 did not impact the percentage of licensees who contributed to legal services through the licensing fee. As a result, the Legislature is poised to retain the \$5. The fee legislation, as introduced, will roll this \$5 into the existing \$40 opt-out, meaning that the increase would be distributed in the same manner as the existing \$40, using the statutory IOLTA formula. Because this is "new money," legal services organizations have not built budgets and initiated projects that assume receipt of a share of these funds. As a result, the sunset of the provisional licensure program and the short-term grant program to support funding for hiring these licensees provides a unique opportunity to

explore a more strategic use of this funding. Although it is not a large amount of funding, it could make a real impact if directed toward a discrete strategic purpose.

Legislative staff indicated openness to a proposal to direct these funds to a specific purpose if there is general consensus in the legal services community. State Bar staff convened a meeting with representatives of the Legal Services Trust Fund Commission, the California Access to Justice Commission, Legal Aid Association of California, and California ChangeLawyers to develop consensus around the best use of these funds. Options under consideration include:

- Strategies to enhance legal services for rural areas;
- Resources and trainings geared toward disaster relief legal assistance; and
- Strategies to enhance legal aid recruitment and retention.

Staff will report orally at the Board Executive Committee meeting on the results of this meeting.

Increasing the Pool of Attorneys Working in Legal Services: Loan Repayment Assistance

The California Justice Gap study published by the State Bar in January 2020 included an exploration of how the cost of legal education in California influences the career choices of law school graduates away from public interest careers, posing significant challenges to the recruitment and retention of legal aid lawyers, and impairing access to justice for low-income Californians. Staff recommended several options to remove barriers to recruitment and retention, including loan repayment assistance programs (LRAP). Following the issuance of the Justice Gap Study, staff convened a group composed of representatives from the Legal Services Trust Fund Commission, the Council on Access and Fairness, and the California Access to Justice Commission to develop an LRAP proposal. This group is near finalization of a proposal for Board consideration. There are two approaches currently under consideration: (1) a borrower-focused approach put forth by State Bar staff, in which the borrower would apply for loan repayment assistance to a program administered by the State Bar with universal criteria; and (2) an employer-focused model recommended by the California Access to Justice Commission in which legal aid employers would establish programs for their employees in a manner that would make the loan repayment nontaxable to the borrower. We hope to be able to provide an update at the Board meeting on the specifics of a single proposal. Even in the absence of a specific proposal, State Bar staff recommend pursuing statutory change to authorize an LRAP, dedicating up to \$5 million from the proceeds of the sale of 180 Howard Street as seed money to launch this loan repayment assistance program, and seeking additional funding from the Legislature, as appropriate, to ensure an effective and appropriately resourced program that will meet the goals of improving recruitment and retention of legal aid lawyers.

SUPPORT FOR ATTORNEYS

Staff also recommends minor clean-up language to statutes relating to the LAP to clarify that the funding included in the attorney licensing for operation of the LAP may support the statutorily required outreach efforts to make licensees and others aware of the services available through LAP, and to provide education about substance use and mental health issues. Staff also proposes clarifying that the outreach is not simply related to prevention, detection,

and treatment of substance abuse, but also wellness, mental health, behavioral health, cognitive decline, and other similar issues.

FISCAL/PERSONNEL IMPACT

As noted above, the proposal to include an annual inflationary adjustment to the mandatory active and inactive license fees could have yielded roughly \$4.7 million in 2022 if it had been applied to the 2022 licensing fees. The five-year average inflation rate was 2.4 percent, significantly less than the 2021 rate, but current prediction suggest that the U.S. could see high inflation rates in the immediate future.

The proposal to increase the funding for the EOB Fund could yield between \$470,000 and \$490,000 depending on which option is selected. These numbers assume the same overall number of licensees and that attorneys opt out at the same rate they currently do.

The proposal to reallocate the \$5 opt-out for legal services would yield no change in the amount of revenue the State Bar would receive. There would be some administrative costs to administer a new grant program, but those costs would be absorbable.

The CTAPP proposal has been estimated to cost at least \$3.35 million annually. The State Bar would require an increase in the licensing fees for active attorneys of approximately \$17 to support these new costs. Staff would be interested in exploring opportunities to have this cost borne solely by attorneys with a CTA, and possibly a sliding scale based on the number of trust accounts or total assets in trust accounts. As a result, attorneys without trust accounts would see no increase in their licensing fees.

The proposal to create a loan repayment assistance program, as noted above, would include a \$5 million infusion of seed money from the State Bar. A program administered by the State Bar would require staff resources that would need to be funded from the seed money or additional funds sought from the Legislature. The additional work of administering such a program would not be absorbable with current resources.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

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

Goal: 4. Support access to legal services for low- and moderate-income Californians and promote policies and programs to eliminate bias and promote an inclusive environment in the legal system and for the public it serves, and strive to achieve a statewide attorney population that reflects the rich demographics of the state's population.

Objective: a. Support increased funding and enhanced outcome measures for Legal Services.

Objective: b. Study and Implement improved programmatic approaches to increasing access to justice.

Objective: h. Identify means of supporting existing law school programs to improve retention by December 31, 2020.

Objective: j. Assuming positive results from the Productive Mindset Intervention, expand implementation by February 2020.

Objective: l. No later than December 31, 2019, analyze available data to identify the particular obstacles to diverse attorneys' entry into, retention, and advancement in the legal profession.

Objective: n. Develop and publish an annual report card on the state of the profession by January 31, 2020, and annually thereafter.

Objective: p. Support public education about key problems not recognized as legal issues.

Objective: q. Support efforts to attract and retain lawyers in legal aid organizations.

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 adopt as a legislative priority securing an annual inflationary adjustment to the mandatory portion of the licensing fees; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority increasing the funding available to use for efforts to improve diversity, equity, and inclusion in the legal profession; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority seeking amendments to the Vehicle Code to authorize investigators in the Office of Chief Trial Counsel to access DMV photos; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority making confidential the home addresses of attorneys and investigators that appear in otherwise public DMV records; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority increasing public protection by amending section 6007(c)(2) of the Business and Professions Code to allow involuntary inactive enrollment where there is a reasonable probability that the attorney will be subject to an actual suspension of 12 months or more, and not simply disbarment; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority pursuing changes needed to implement CTAPP, including enhancing the reporting from banks, requiring attorneys to have compliance reviews conducted by independent CPAs, and authorizing audits of client trust accounts based on risk assessments and random selection; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority earmarking the \$5 legal services opt out for a strategic funding initiative to improve access to legal services for low-income Californians, instead of simply allocating the new funding pursuant to the IOLTA formula; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority creating a loan repayment assistance program to improve recruitment and retention of legal aid lawyers; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees adopt as a legislative priority clarifying that LAP funds may be used for the statutorily required outreach and education about substance use issues, as well as for wellness, mental health, behavioral health, cognitive decline and other similar issues; and it is

FURTHER RESOLVED, that the Board Executive Committee recommends that the Board of Trustees delegate to staff the authority to determine the appropriate strategy, method, and timing in which to pursue the above legislative priorities.

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, adopts as a legislative priority securing an annual inflationary adjustment to the mandatory portion of the licensing fees; and it is

FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, adopts as a legislative priority increasing the funding available to use for efforts to improve diversity, equity, and inclusion in the legal profession; and it is

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FURTHER RESOLVED, that the Board of Trustees, upon recommendation of the Board Executive Committee, delegates to staff the authority to determine the appropriate strategy, method, and timing in which to pursue the above legislative priorities.

ATTACHMENT LIST

- A.** State Bar Legislative Program: Purpose and Guiding Principles

State Bar Legislative Program: Purpose and Guiding Principles

(As Adopted January 27, 2018)

The State Bar's legislative program is guided by the mission of the State Bar. As set forth in the Strategic Plan for 2017-2022, the State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.

Guiding Principles:

The purpose of the 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 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. The State Bar seeks to ensure that laws enhance access to the profession and the justice system. The State Bar seeks to promote laws that identify effective new tools for, or eliminate unnecessary obstacles to, the carrying out of the Bar's public protection mission.

The State Bar's legislative program seeks to advance the following five goals of the Bar's Strategic Plan:

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

Goal 2: Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

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

Goal 4: Support access to justice for all California residents and improvements to the state's justice system.

Goal 5: Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.