



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM SEPTEMBER 2022 BOARD EXECUTIVE COMMITTEE III.D**

**DATE:** September 22, 2022

**TO:** Members, Board Executive Committee

**FROM:** Donna S. Hershkowitz, Chief of Programs/Legislative Director

**SUBJECT:** Approval of 2022 Work Plan for the California Board of Legal Specialization

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### **EXECUTIVE SUMMARY**

This agenda item presents the 2022 work plan of the California Board of Legal Specialization for adoption by the Board Executive Committee.

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### **BACKGROUND**

The Board Executive Committee is responsible for approving work plans adopted by the following State Bar subentities: the California Board of Legal Specialization (CBLs), Committee of Bar Examiners (CBE), and the Council on Access and Fairness (COAF). Work plans are typically presented to the Board Executive Committee in March of each year, to ensure alignment of the subentity's planned activities for the year with the State Bar's strategic plan, and to provide guidance and accountability for the subentity's work.

Since the five-year strategic plan for the period from 2022–2027 was not adopted until May, submission of the work plans was delayed so that the plan could be aligned with the new strategic plan. In the meantime, subentities continued with work approved or directed in prior years, and delayed adding new bodies of work until the work plans were ready for consideration by the Board Executive Committee.

The work plans for CBE and COAF were approved by the Board Executive Committee at its July meeting. At that time, the committee was informed that staff required extra time to align the

work plan for CBLS to the new strategic plan. That effort has been completed, and the work plan is now being presented for adoption by the Board Executive Committee.

## **DISCUSSION**

Attached to this item is the work plan adopted by CBLS. CBLS originally adopted its work plan for the 2022 Board year in alignment with the five-year strategic plan that expired this year. CBLS delegated authority to staff to update the work plan to tie it to the new five-year strategic plan adopted in May 2022.

The work plan provides an overview of the charge and the subentity and then summarizes the specific work the subentity is undertaking, the deadline by which the work should be completed, and whether the subentity intended to return to the Board of a Board committee with a report on the work.

In updating the work plan to align with the current strategic plan, staff attempted to tie each work plan item to the strategic plan goal, then the identified strategy, and finally to a corresponding implementation step. When making an explicit connect to an implementation step was not possible, staff tied work plan items to the goal or strategy level/s only.

## **FISCAL/PERSONNEL IMPACT**

The work plan necessarily has an impact on personnel, identifying and direct key areas of effort for staff of the relevant office. To the extent implementation of any of the individual items impose a significant cost to the State Bar not already accounted for in the State Bar budget or otherwise previously approved by the Board, such items will be brought back to the Board.

## **AMENDMENTS TO RULES**

None

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

None

## **STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS**

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

- a. Effectiveness: Increase representation through the State Bar's existing regulatory and oversight authority including special admissions and pro bono practice programs
- b. 1. Continue to analyze data points to identify the root causes of inequities in accessing legal services and reduce the access to legal services gap.

b. 4. Make the State Bar a leader in connecting the public to legal representation by enhancing public awareness of the resources available and continually enhancing those resources.

Goal 3. Protect the Public by Regulating the Legal Profession

d. Policy and Systems Change: Explore and implement regulations to address and deter actions that pose significant risks of harm.

Goal 4. Protect the Public by Engaging Partners

a. 2. Ensure that licensees are aware of the work of the State Bar and how the bar supports competent and ethical practice.

b. Consumer Focus: Establish collaborative relationships with community and consumer facing organizations and engage partners in collaborative workgroups.

## **RECOMMENDATIONS**

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

**RESOLVED**, that the Board Executive Committee approves the work plan adopted by the California Board of Legal Specialization and authorizes staff to maintain the work plan and make technical edits and corrections to it as needed.

## **ATTACHMENT LIST**

**A.** 2022 Work Plan for the California Board of Legal Specialization



## The State Bar of California

### CALIFORNIA BOARD OF LEGAL SPECIALIZATION 2022 WORK PLAN

**The California Board of Legal Specialization (CBLS) is composed of seven members appointed by the Board of Trustees. The charge of the CBLS is as follows:**

- Establish a program to encourage attorney competence by certifying as legal specialists attorneys who have demonstrated proficiency in specified areas of law.
- Develop testing and legal education criteria for specialists.
- Recommend program rules and provide policies and guidelines for certification of specialists.
- Recommend approval of additional areas of legal specialization and their related certification standards.
- Recommend other entities to grant certification.

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To Board (Y/N) / Date
Goal 2: Protect the public by enhancing access to and inclusion in the legal system.	Effectiveness: Increase representation through the State Bar's existing regulatory and oversight authority including special admissions and pro bono practice programs.		Re-examine guidelines applied when evaluating proposals for expanding certification areas, outside of the State Bar's current offerings, with a focus on public protection and regulating the legal profession, with consideration to promoting access to justice.	Ongoing/ Constant Review	N

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To Board (Y/N) / Date
			Establish and appoint Privacy Law Consulting Group: <ol style="list-style-type: none"> <li>1. Review research and recommendation of the consulting group</li> <li>2. Present findings to the Board of Trustees, as appropriate</li> </ol>	October – December 2022	Y/Q4 2024
None – core business operations.			Build, implement, and train on examination item banking solution to increase the security and efficiency of Legal Specialist Examination development.	Ongoing	N
Goal 3: Protect the public by regulating the legal profession.	Policy and Systems Change: Explore and implement regulations to address and deter actions that pose significant risks of public harm.		Create procedure to ensure that specialists who no longer hold certification have removed the designation from their materials.  Recommend codification of procedure in Rules of Court, State Bar Rules, or Rules of Professional Conduct.	March 2023	Y/May 2023
Goal 2: Protect the public by enhancing access to and inclusion in the legal system.	Consumer Focus: Increase public education, outreach, and awareness to close the knowledge gap	Continue to analyze data points to identify the root causes of inequities in accessing legal services and	Research impact of remote exam: <ul style="list-style-type: none"> <li>• Create post-exam survey</li> </ul>	December 2022	Y/March 2023

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To Board (Y/N) / Date
	and connect consumers to relevant legal resources.	reduce the access to legal services gap.	<ul style="list-style-type: none"> <li>Analyze the impact of the remote exam on different populations</li> <li>Develop recommendations for future use of a remote exam</li> </ul>		
Goal 2: Protect the public by enhancing access to and inclusion in the legal system.	Consumer Focus: Increase public education, outreach, and awareness to close the knowledge gap and connect consumers to relevant legal resources.	Make the State Bar a leader in connecting the public to legal representation by enhancing public awareness of the resources available and continually enhancing those resources.	Explore outreach opportunities to: <ol style="list-style-type: none"> <li>provide information to/educate the public to increase awareness and the importance of the certified specialists</li> <li>prospective licensees (new admittees and current licensees) to become certified specialists</li> </ol>	Ongoing	N
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Goal 4: Protect the public by engaging partners.	Effectiveness: Increase public trust and consumer awareness by demonstrating competence, consistency, and transparency.	Ensure that licensees are aware of the work of the State Bar and how the bar supports competent and ethical practice.			

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To Board (Y/N) / Date
Goal 4: Protect the public by engaging partners.	Consumer Focus: Establish collaborative relationships with community and consumer facing organizations and engage partners in collaborative workgroups.		<p>Evaluate Legal Specialization processes to ensure those processes are supported by Subject Matter Experts (SMEs)</p> <ul style="list-style-type: none"> <li>Procure and retain diverse groups of SMEs to provide expertise and input specific to each legal specialization area (working groups and developers/graders)</li> </ul>	Ongoing	N
None – core business operations.			<p>Review the Legal Specialization budget and reserve balance</p> <ul style="list-style-type: none"> <li>Review the effects of the new item banking system and paid exam development/grading process on the budget and reserve balance</li> </ul>	Ongoing	Y