



# The State Bar of California

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## **OPEN SESSION AGENDA ITEM 703 MARCH 2024**

**DATE:** March 21, 2024

**TO:** Members, Board of Trustees

**FROM:** Leah T. Wilson, Executive Director

**SUBJECT:** 2022–2027 Strategic Plan: Review and Approval of New Goal V and Other Modifications Submitted to the Board in January 2024

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### **EXECUTIVE SUMMARY**

The Board of Trustees adopted the 2022–2027 State Bar Strategic Plan at its meeting on March 24–25, 2022. The current plan can be found [here](#).

Based on feedback from the Board of Trustees during the January 2024 strategic planning session, State Bar staff created a draft Goal 5 to reflect the State Bar’s commitment to and significant investment in information technology infrastructure. This agenda item outlines the proposed addition of a new goal to the Strategic Plan, as well as updates to other plan sections as introduced to the Board at its January 2024 meeting.

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### **BACKGROUND**

The State Bar Board of Trustees is responsible for setting the strategic direction of the organization. It executes this responsibility in part through the adoption of strategic plans every five years; these plans are revisited annually to review progress and to assess whether any amendments or modifications are needed. In 2024, changes are proposed to several implementation steps within the Strategic Plan, along with the proposed addition of a fifth Strategic Plan goal.

### **DISCUSSION**

The Strategic Plan is currently organized around four goals. Each goal has multiple associated implementation steps. During the January 2024 Board meeting, the Board of Trustees contemplated adding a fifth goal to the Strategic Plan, to emphasize the State Bar’s significant investment in and reliance on information technology. The proposed Goal

5, outlined in Attachment A, also reflects the State Bar’s vision as an organization that responsibly embraces innovative technology. Goal 5 introduces 10 new implementation steps in the established plan categories of Effectiveness; Consumer Focus; Diversity, Equity, and Inclusion; and Policy and Systems Change.

Changes to implementation steps in Goals 1 through 4 are carried over from the January 2024 strategic planning session. These changes included a proposal to condense seven implementation steps to two, and to make various language edits. Staff also propose adding an implementation step to Goal 3, under the Policy and Systems Change strategy, which is a change from the January 2024 draft. The proposed implementation step would direct the State Bar to further explore how technology and the adoption of generative artificial intelligence could affect the attorney population. In total, the proposed changes to implementation steps would bring the number of implementation steps within the Strategic Plan to 55, up from the current 50 implementation steps.

Following any changes to the 2022-2027 Strategic Plan approved by the Board of Trustees, the corresponding operational plans will require updates to reflect the updated implementation steps and new Goal 5. As a reminder, the Strategic Operational Plan (SOP) ensures all objectives are achieved by outlining specific activities that will be taken to advance each step outlined in the Strategic Plan. The Core Operational Plan (COP) addresses the organization’s infrastructure or backbone needed to support Strategic Plan success, namely services provided by Human Resources, Information Technology, and other administrative offices.

#### **FISCAL/PERSONNEL IMPACT**

None

#### **AMENDMENTS TO RULES**

None

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

None

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

Goal 1. Protect the Public by Strengthening the Attorney Discipline System

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

Goal 3. Protect the Public by Regulating the Legal Profession

Goal 4. Protect the Public by Engaging Partners

## **RECOMMENDATIONS**

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

**RESOLVED**, that the Board of Trustees approves and adopts the updated State Bar 2022–2027 Strategic Plan, included in this item as Attachment A, and directs staff to make any necessary adjustments to the State Bar’s two operational plans as a result.

## **ATTACHMENT LIST**

- A.** Redlined Strategic Plan

The State Bar of California  
Strategic Plan  
2022–2027

[Revised: ~~September 6, 2023~~ March 21, 2024]

### **2022-2027 Strategic Plan Goals**

The State Bar’s mission is rooted in protecting the public. The strategic goals reflect the organization’s vision for realizing that mission over the next five years. As a foundational principle, the State Bar is committed to advancing diversity, equity, and inclusion with respect to both its own operations and the legal profession itself.

1. **Protect the Public by Strengthening the Attorney Discipline System:** Administer an attorney discipline system that is efficient, accountable, and transparent.
2. **Protect the Public by Enhancing Access to, and Inclusion in, the Legal System:** Increase access to the legal system through public outreach and education, improved access to legal advice and services, and a legal profession that reflects the diversity of California.
3. **Protect the Public by Regulating the Legal Profession:** Promote the ethical and competent practice of law and prevent misconduct by providing education, resources, and support for the legal profession.
4. **Protect the Public by Engaging Partners:** Engage partners and stakeholders to enhance public protection and restore the State Bar’s credibility, reputation, and impact.

**Goal 1:** **Protect the Public by Strengthening the Attorney Discipline System:** Administer an attorney discipline system that is efficient, accountable, and transparent.

**Vision:** *The State Bar discipline system is, and is recognized as, effective, fair, and timely.*

### **Strategies:**

- **Effectiveness:** Adopt new case processing standards and improved operational practices to focus resources on cases posing the most significant risks of harm and reduce the backlog of unresolved disciplinary cases.
- **Consumer Focus:** Assist the public in navigating the complaint process and seeking fair, appropriate, and timely resolution.
- **Diversity, Equity, and Inclusion:** Continue to address any racial, or other disparities in the attorney discipline system.
- **Policy and Systems Change:** Respond to emerging issues regarding attorney misconduct and promote solutions to increase public protection.

**Goal 1 Implementation Steps:**

Strategy	Implementation Steps
<b>Effectiveness</b>	Support accountability in the attorney discipline system through the development and implementation of new case processing standards that ensure complaints are processed in a timely manner; evaluate and report performance against the case processing standards.
	Secure additional funding for the attorney discipline system.
	Sustain a well-resourced, motivated, and accountable, prosecutorial workforce.
	Maximize the efficiency of the discipline case management system and make technological, resource, and other investments as needed to increase the accuracy, comprehensiveness, and timeliness of the investigation and prosecution of attorney misconduct complaints.
	Reduce the time from Client Security Fund (CSF) application to payout by reassessing rules and policies, streamlining processes, and increasing funding as necessary.
<b>Consumer Focus</b>	Assist members of the public needing assistance in submitting complaints and resolving problems by providing clear information about how the system works, outlining what constitutes a viable complaint, and facilitating connections with other resources where consumer issues do not warrant attorney discipline.
	Educate communities most likely to be subject to the unauthorized practice of law (UPL) to reduce the incidence of victimization.
<b>Diversity, Equity, and Inclusion</b>	Implement reforms and recommendations to reduce inequities identified in the 2019 report: <i>Discrepancies by Race and Gender in Attorney Discipline by The State Bar of California: An Empirical Analysis</i> .
	Conduct a follow up study of racial disparities in attorney discipline, identify areas for improvement, and implement recommendations.
	Identify <del>and implement strategies to address other</del> disparities in discipline rates and outcomes, including those related to solo and small firm practitioners. <b>[Basis for change: Limit the scope of the implementation step to research; implementation is covered under Goal 2, Diversity, Equity, and Inclusion, Implementation Step 3]</b>
<b>Policy &amp; Systems Change</b>	Align and implement recommendations of the Special Discipline Case Audit Committee and the Ad Hoc Commission on the Discipline System.
	Develop strategies to effectively investigate and prosecute attorneys who commit misconduct, regardless of the nature of their practice, including attorneys in large organizations and firms.

**Goal 2: Protect the Public by Enhancing Access to and Inclusion in the Legal System:** Increase access to the legal system through public outreach and education, improved access to legal advice and services, and a legal profession that reflects the diversity of California's communities.

**Vision:** *All California residents have access to high quality, affordable, and culturally competent legal advice and services.*

**Strategies:**

- **Effectiveness:** Increase representation through the State Bar's existing regulatory and oversight authority including special admissions and pro bono practice programs.
- **Consumer Focus:** Increase public education, outreach, and awareness to close the knowledge gap and connect consumers to relevant legal resources.
- **Diversity, Equity, and Inclusion:** Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, and socio-economic status.
- **Policy and Systems Change:** Identify and advocate for innovative policy and regulatory reforms needed to increase access to legal services, particularly by disenfranchised, underserved, and rural communities.

**Goal 2 Implementation Steps:**

Strategy	Implementation Steps
Effectiveness	Increase the number of attorneys admitted through special admissions programs.
	Update and modernize <del>Revise</del> the bar admissions requirements to be more relevant to the practice of law, <del>in alignment with the recommendations of the Blue Ribbon Commission on the Future of the Bar Exam.</del> <u>to eliminate unnecessary barriers to admission, or to implement changes to the bar examination or other pathway to licensure approved by the Supreme Court.</u> <b>[Basis for change: Clarify updated authority to approve changes; minor wording edits]</b>
	Incentivize and support licensees and law firms to increase the number of pro bono hours provided to underserved groups.
	Administer the Attorney Census annually.
Consumer Focus	Continue to analyze data points to identify the <del>root</del> <b>potential</b> causes of inequities in accessing legal services <b>to inform policy recommendations to and</b> reduce the access to legal services gap. <b>[Basis for change: Clarified the implementation step is related to research and informing policy]</b>
	Better understand the knowledge gap and develop strategies to address the barriers consumers face in securing legal advice.
	Keep abreast of the legal services market and how changes in the market impact individual consumers.
	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.
Diversity, Equity, and Inclusion	Publish an annual report card on workforce diversity and retention trends in the legal profession.
	Increase the numbers of diverse attorneys in the legal profession <del>by encouraging through</del> diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam. <b>[Basis for change: Minor wording edit]</b>
	Identify data-supported practices that promote retention and advancement of a diverse and inclusive legal profession, <del>including strategies that support solo and small-firm practitioners,</del> and share those practices through toolkits and other resources. <b>[Basis for change: Clarify focus of activities]</b>
	Engage DEI leaders and other stakeholders to encourage legal employers to set and publicly commit to measurable diversity, equity, and inclusion goals through the State Bar <del>DEI-Diversity</del> Leadership Seal Program. <b>[Basis for change: Minor wording edit]</b>

Strategy	Implementation Steps
	Continue the Mindsets in Legal Education Initiative and evaluate the merits of expanding the program.
	Conduct an equity and cost focused analysis of the impact of various options for administration of the bar exam on pass rates, including remote and open-book formats.
	Provide implicit bias trainings for bar exam proctors and graders to reduce any potential bias.
	Continue to diversify the exam development and grading pool.
<b>Policy &amp; Systems Change</b>	Create a policy foundation for regulatory reform to increase access to affordable legal advice and services.
	Collaborate with legislative and other stakeholders to establish a law school student loan forgiveness program to make legal aid an attractive and sustainable career goal.
	Collaborate with stakeholders and law schools to improve the law school accreditation process.



**Goal 3: Protect the Public by Regulating the Legal Profession:** Promote the ethical and competent practice of law and prevent misconduct by providing education, resources, and support for the legal profession.

**Vision:** *State Bar licensees exemplify excellence and personal responsibility in the practice of law.*

**Strategies:**

- **Effectiveness:** Use data to identify attorneys most at-risk of misconduct complaints and to develop the resources and supports needed to prevent misconduct.
- **Consumer Focus:** Develop and deploy self-assessment modules, minimum continuing legal education (MCLE), practice tools, and other resources to support attorneys in continued education, professional development, and the competent practice of law.
- **Diversity, Equity, and Inclusion:** Support retention, development, and advancement of a diverse legal profession, with a focus on preventative measures to address disproportionate complaint and discipline rates.
- **Policy and Systems Change:** Explore and implement regulations to address and deter actions that pose significant risks of public harm.

### **Goal 3 Implementation Steps**

<b>Strategy</b>	<b>Implementation Steps</b>
<b>Effectiveness</b>	Develop metrics for assessing the impact of the State Bar’s prevention and proactive risk-based management work.
<b>Consumer Focus</b>	<del>Implement the Office of Professional Competence’s 5-year plan for preventative education e-learning and self-assessment modules.</del> <b>[Basis for change: Condense; activities fit under current Goal 3, Consumer Focus Implementation Step 2]</b>
	Position the State Bar as a trusted resource; <del>and increase</del> proactive interactions with licensees <del>beyond admitting attorneys into the profession, collecting fees, and monitoring MCLE compliance</del> ensure that licensees are aware of how the work of the Bar supports the competent and ethical practice of law. <b>[Basis for change: Incorporate language from three merged implementation steps under Goal 3]</b>
	Provide effective support for attorneys experiencing practice management and other challenges that affect competency.
	Collaborate with the California Lawyers Association (CLA) and other bar associations on providing programming and continuing education content to licensees.
	<del>Create a licensee resource page on the State Bar website to provide information and tools on emerging topics and issues including mental health, financial literacy, and navigating imposter syndrome in the workplace.</del> <b>[Basis for change: Condense; activities fit under current Goal 3, Consumer Focus Implementation Step 2]</b>
<b>Diversity, Equity, and Inclusion</b>	<del>Support attorneys from disenfranchised and underserved communities who may experience unique practice management and other challenges.</del> <b>[Basis for change: Condense; activities fit under current Goal 3, Consumer Focus Implementation Step 2]</b>
	Identify competency related factors that drive disparate voluntary departures from the legal profession by race and gender.
<b>Policy &amp; Systems Change</b>	Implement the Client Trust Account Protection Program.
	<del>Identify the benefits and risks of lawyer use of technology in the practice of law, including generative AI, and explore and implement regulations for appropriate use.</del> <b>[Basis for change: Add new implementation step]</b>

**Goal 4: Protect the Public by Engaging Partners:** *Engage partners and stakeholders to enhance public protection and restore the State Bar's credibility, reputation, and impact.*

**Vision:** *Partners and stakeholders are actively involved in and supportive of the State Bar's public protection initiatives, achievements, programs, and services.*

**Strategies:**

- **Effectiveness:** Increase public trust and consumer awareness by demonstrating competence, consistency, and transparency.
- **Consumer Focus:** Establish collaborative relationships with community and consumer facing organizations and engage partners in collaborative workgroups.
- **Diversity, Equity, and Inclusion:** Ensure that communications materials and resources are accessible to California's diverse communities.
- **Policy and Systems Change:** Partner with stakeholders to increase public protection and attorney regulation through legislation and policy change.

#### **Goal 4 Implementation Steps**

Strategy	Implementation Steps
Effectiveness	Increase access to State Bar data and performance outcomes.
	<del>Ensure that licensees are aware of the work of the State Bar and how the bar supports competent and ethical practice.</del> <b>[Basis for change: Condense; activities fit under Goal 3, Consumer Focus Implementation Step 1]</b>
	Enhance visibility of and accessibility to State Bar <u>public</u> meetings. <b>[Basis for change: Minor wording edit]</b>
	Serve as an incubator for innovation, share successes and best practices, and support implementation efforts in other organizations.
Consumer Focus	<del>Create and sustain partnerships with other organizations, entities, and stakeholder groups.</del> Build a robust, diverse, and mission-oriented network of partners. <b>[Basis for change: Merged with Goal 4, Diversity, Equity, and Inclusion Implementation Step 2; condense language]</b>
	Demonstrate transparency and, within constraints imposed by law, maximize disclosure in public communication.
Diversity, Equity, and Inclusion	Expand multilingual content and outreach.
	<del>Increase the number and variety of stakeholders to include affinity bar associations and a broad range of organizations invested in the mission of the State Bar.</del> <b>[Basis for change: Merged with Goal 4, Consumer Focus implementation step 1; improve language clarity]</b>
	Engage diverse voices in the development and evaluation of State Bar policy.
Policy & Systems Change	Collaborate with the Legislature and other stakeholders to increase public protection and support the State Bar’s mission.

### **Goal 5: Protect the Public Through Innovative Use of Technology and Responsible Data**

**Management:** Strategically invest in technology infrastructure, tools, systems, and human resources to ensure efficient, secure service delivery that meets the needs of licensees, applicants, and the public.

**Vision:** *The State Bar embraces proactive and innovative technology solutions that enhance our ability to fulfill our mission; maintains a dynamic, responsive, and secure technology and data infrastructure; and safely enhances technology experiences for the public and staff.*

#### **Strategies:**

- **Effectiveness:** Operate mission-critical State Bar systems and applications effectively and securely; maximize capabilities and use of existing systems and applications while protecting sensitive data; identify and adopt new applications to increase efficiency and effectiveness.
- **Consumer Focus:** Make State Bar data and performance outcomes transparent, and improve online experiences with State Bar platforms.
- **Diversity, Equity, and Inclusion:** Design and plan for inclusive, accessible technology; identify and mitigate disparate impact in technology tool adoption.
- **Policy and Systems Change:** Create a responsive, fiscally sound IT organization with sufficient capacity and capability to serve the needs of the State Bar and those who rely on it.

#### **Goal 5 Implementation Steps**

Strategy	Implementation Step
<b>Effectiveness</b>	Systematically assess and document the interdependencies of IT systems and infrastructure to efficiently, safely, and effectively deploy technology.-
	Develop a mature IT security infrastructure.
	Boost adoption of information technology tools and resources to increase operational efficiency and effectiveness.
	Identify and provide staff training required to increase knowledge of capabilities of current systems and applications.-
<b>Consumer Focus</b>	Increase access to State Bar data and performance outcomes.-
	Design and implement a data governance framework.
	Implement website redesign and other technology initiatives to improve usability and transparency.
<b>Diversity, Equity, and Inclusion</b>	Plan, select, and implement technological innovations with an eye toward inclusion and accessibility.
<b>Policy and Systems Change</b>	Secure appropriate funding levels to staff an IT organization that appropriately serves the needs of the State Bar.
	Engage in consistent, robust fiscal oversight given the large percentage of non-personnel expenditures that IT costs comprise.