



The State Bar of California

OPEN SESSION AGENDA ITEM 703 MAY 2024

DATE: May 16, 2024

TO: Members, Board of Trustees

FROM: Leah T. Wilson, Executive Director

SUBJECT: 2022–2027 Strategic Plan: Review and Approval of New Goal 5

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 and March 2024 meetings, State Bar staff updated a draft, fifth Strategic Plan goal to reflect the State Bar's commitment to and significant investment in information technology infrastructure, cybersecurity, and intent to review and fully implement guardrails for the use of artificial intelligence tools. This agenda item outlines the proposed addition of a revised Goal 5 to the Strategic Plan.

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 March 2024, changes to several implementation steps within the Strategic Plan were adopted by the Board of Trustees. Following feedback from Trustees, State Bar staff revised the proposed fifth Strategic Plan goal with a renewed emphasis on cybersecurity and responsible artificial intelligence adoption and use.

DISCUSSION

The Strategic Plan is currently organized around four goals. Each goal has multiple associated implementation steps. During the January and March 2024 Board meetings, the Board of Trustees contemplated adding a fifth goal to the Strategic Plan, to emphasize the significant

resource investment the State Bar expends in information technology. The proposed Goal 5, included at the end of attachment A, also reflects the State Bar’s vision as an organization that embraces innovative technology, where appropriate, with attention to cybersecurity and guardrails for the use of artificial intelligence tools. Goal 5 introduces 11 new implementation steps in the categories of Effectiveness; Consumer Focus; Diversity, Equity, and Inclusion; and Policy and Systems Change.

In total, adoption of Goal 5, with its associated implementation steps, would bring the number of implementation steps within the Strategic Plan to 58.

To carry out the revised Strategic Plan and implementation steps, if adopted, staff would update the State Bar’s two operational plans. Following any changes to the 2022–2027 Strategic Plan approved by the Board of Trustees, the operational plans will require updates to reflect Goal 5. 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 typically 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 Goal 5 within 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~~ May 16, 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
Effectiveness	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.
Consumer Focus	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.
Diversity, Equity, and Inclusion	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 disparities in discipline rates and outcomes, including those related to solo and small firm practitioners.
Policy & Systems Change	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 the bar admissions requirements to be more relevant to the practice of law to eliminate unnecessary barriers to admission, or to implement changes to the bar examination or other pathway to licensure approved by the Supreme Court.
	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 potential causes of inequities in accessing legal services to inform policy recommendations to and reduce the access to legal services gap.
	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 by encouraging diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam.
	Identify data-supported practices that promote retention and advancement of a diverse and inclusive legal profession, including strategies that support solo and small-firm practitioners, and share those practices through toolkits and other resources.
	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 DEI Leadership Seal Program.
	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.

Strategy	Implementation Steps
	Continue to diversify the exam development and grading pool.
Policy & Systems Change	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

Strategy	Implementation Steps
Effectiveness	Develop metrics for assessing the impact of the State Bar’s prevention and proactive risk-based management work.
Consumer Focus	Position the State Bar as a trusted resource; increase proactive interactions with licensees to ensure that licensees are aware of how the work of the Bar supports the competent and ethical practice of law.
	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.
Diversity, Equity, and Inclusion	Identify competency related factors that drive disparate voluntary departures from the legal profession by race and gender.
Policy & Systems Change	Implement the Client Trust Account Protection Program.
	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.

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.
	Enhance visibility of and accessibility to State Bar public meetings.
	Serve as an incubator for innovation, share successes and best practices, and support implementation efforts in other organizations.
Consumer Focus	Build a robust, diverse, and mission-oriented network of partners.
	Demonstrate transparency and, within constraints imposed by law, maximize disclosure in public communication.
Diversity, Equity, and Inclusion	Expand multilingual content and outreach.
	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 and implement technology infrastructure, cybersecurity, and next-generation tools and systems to increase the efficiency and effectiveness of the State Bar.

Vision: *The State Bar embraces innovative technologies that enhance the ability to fulfill its mission; maintains a secure, dynamic and responsive data infrastructure; and safely enhances technology experiences for the public and staff. The State Bar adopts artificial intelligence tools for clear business purposes, while adhering to stringent security, confidentiality, and ethics protocols governing use.*

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; adopt a robust, organization-wide data governance framework; and improve the public's 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; finalize artificial intelligence guardrails for secure and ethical Bar-wide use.

Goal 5 Implementation Steps

Strategy	Implementation Step
Effectiveness	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.
Consumer Focus	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.
Diversity, Equity, and Inclusion	Plan, select, and implement technological innovations with an eye toward inclusion and accessibility.
Policy and Systems Change	Secure appropriate funding levels to staff an IT organization that serves the needs of the State Bar.
	Engage in consistent, robust fiscal oversight as appropriate in light of the significant non-personnel expenditures on IT.
	Develop robust guardrails for the use of artificial intelligence at the State Bar.