



**CENTER FOR PUBLIC INTEREST LAW**  
 University of San Diego School of Law  
 5998 Alcalá Park  
 San Diego, CA 92110-2492  
 P: (619) 260-4806 / F: (619) 260-4753  
 1107 Ninth Street, Suite 880  
 Sacramento, CA 95814 / P: (916) 844-5646  
 www.cpil.org

May 10, 2016

Ms. Elizabeth Rindskopf Parker  
 Executive Director  
 State Bar of California  
 180 Howard Street  
 San Francisco, CA 94105

*Via email and Hand Delivery*

Dear Ms. Parker,

***Re: Center for Public Interest Law’s Proposal for Deunification***

Per your request during my testimony at the April 25, 2016 Governance in the Public Interest Task Force public hearing, I write to provide a more specific breakdown of CPIL’s proposal for “deunifying” the bar by severing its trade association functions the private sector, and retaining its regulatory functions as a state agency. We appreciate the opportunity to collaborate with you on this important endeavor, and are heartened that you are so thoughtfully considering our proposal.

The chart below divides the offices contained in your “continuum chart” as well as the work of the Bar’s various standing committees, and its special boards, committees, and commissions, as currently reflected in the August 2015 revision to the Board Book, Tab 19. Ultimately, CPIL believes that to the extent the committees are slated to remain with the regulatory agency, the Board of Trustees – and not external committees – should assume the responsibility for the work of these committees. For purposes of clarifying which “side” of the chart the committees would fall, however, they are included here.

| <b><i>State Bar Regulatory Agency</i></b>  | <b><i>Voluntary Bar Association(s)</i></b>   |
|--|--|
| <b>Admissions/ Licensing/ Member Records</b> <ul style="list-style-type: none"> <li>- Committee of Bar Examiners (CBE)</li> <li>- Bar exam development</li> <li>- Bar exam grading</li> <li>- Moral character determination</li> <li>- Special Admissions</li> <li>- Member Records and Compliance</li> <li>- Law School Regulation</li> </ul> | <b>Lawyer Assistance Program<sup>1</sup></b> <ul style="list-style-type: none"> <li>- Lawyer Assistance Program Oversight Committee</li> </ul>                     |
| <b>Professional Conduct/ Ethics</b> <ul style="list-style-type: none"> <li>- Committee on Professional Responsibility and Ethics (COPRAC)</li> <li>- Rules of Professional Conduct</li> </ul>  | <b>Education</b> <ul style="list-style-type: none"> <li>- CLE providers</li> <li>- Professional Competence Education</li> <li>- CEB Governing committee</li> </ul> |

<sup>1</sup> This will require an amendment to Business and Professions Code Sections 6230, *et seq.*, but in our view this is not properly part of the regulatory function.

|  |  |
|--|--|
| <ul style="list-style-type: none"> <li>- Ethics hotline</li> <li>- Ethics opinions</li> <li>- Rules Commission</li> <li>- Attorney Civility and Professionalism</li> </ul>   |  |
| <p><b>Attorney Discipline</b></p> <ul style="list-style-type: none"> <li>- Chief Trial Counsel<sup>2</sup></li> <li>- Probation</li> </ul>   | <p><b>Mandatory Fee Arbitration</b></p> <ul style="list-style-type: none"> <li>- Arbitration of Fee Disputes<br/>(this can be done through local bar associations or the greater state association)</li> </ul>   |
| <p><b>State Bar Court</b></p>  | <p><b>Judicial Nominees Evaluation</b></p> <ul style="list-style-type: none"> <li>- Commission on Judicial Nominees Evaluation (JNE Commission)</li> <li>- Review Committee of the Judicial Nominees Evaluation (RJNE)</li> </ul>  |
| <p><b>Client Security Fund</b></p> <ul style="list-style-type: none"> <li>- Client Security Fund Commission</li> <li>- Investigation and Payment of Claims</li> </ul>  | <p><b>Bar Relations</b></p> <ul style="list-style-type: none"> <li>- Lobbying &amp; legislative activity<br/>(unrelated to regulation of the profession and access to justice)</li> <li>- Program development</li> <li>- Town Hall meetings</li> <li>- Annual meeting</li> <li>- Spring summit</li> <li>- Bar leadership conference</li> </ul> |
| <p><b>MCLE</b></p> <ul style="list-style-type: none"> <li>- Compliance tracking</li> <li>- Accreditation of providers</li> <li>- CLE standards and requirements<br/>(including potential requirement that MCLE relate to the field of practice)</li> </ul> | <p><b>Sections</b></p> <ul style="list-style-type: none"> <li>- Section specific CLE programs and conferences</li> <li>- Sections Education Institute</li> <li>- Council on State Bar Sections</li> <li>- CYLA Board</li> <li>- Section Executive Committees</li> </ul>  |
| <p><b>Legal Specialization</b></p> <ul style="list-style-type: none"> <li>- Certification of Legal Specialists</li> <li>- California Board of Legal Specialization and Advisory Commissions</li> </ul>   | <p><b>Insurance Programs and services</b></p> <ul style="list-style-type: none"> <li>- Professional Liability Insurance (COPLI)</li> <li>- Committee on Group Insurance Programs (COGIP)</li> <li>- Other “revenue generating” services offered to bar members (ie Hertz discounts, etc.)</li> </ul>   |

<sup>2</sup> CPIL believes this office should be moved into the Attorney General’s office but for these purposes it is a regulatory function.

|   |   |
|---|---|
| <b>Legal Services/ Access to Justice</b> <ul style="list-style-type: none"><li>- IOLTA</li><li>- Center for Access to Justice</li><li>- California Commission on Access to Justice (CCAJ)</li><li>- Legal Services Trust Fund Commission</li><li>- Delivery of Legal Services committee</li><li>- Loan repayment assistance program for attorneys practicing in underserved areas</li></ul> | <b>Regulation of Legal Referral Services</b>  |
| <b>Diversity<sup>3</sup></b> <ul style="list-style-type: none"><li>- Council on Access and Fairness (COAF)</li><li>- Elimination of bias</li></ul>  | <b>Additional Committees</b> <ul style="list-style-type: none"><li>- Administration of Justice (CAJ)</li><li>- Alternative Dispute Resolution (ADR)</li><li>- Appellate Courts</li><li>- Federal Courts</li><li>- California Judges Association (CJA)</li></ul> |
| <b>Bar Wide Services</b> <ul style="list-style-type: none"><li>- Executive Director</li><li>- Finance</li><li>- General Counsel</li><li>- General Services</li><li>- Human Resources</li><li>- Information Technology</li></ul>   | <b>Appointments to ABA House of Delegates</b>   |
| <b>Appointments to Judicial Council</b>   | <b>Publications</b> <ul style="list-style-type: none"><li>- Cal Bar Journal</li></ul>   |

I hope this will be of some assistance to you and the Task Force as you prepare your recommendation to the Legislature. Please let us know if we can provide additional details or answer any questions relating to our proposal.

Sincerely,



Bridget Fogarty Gramme, Esq.  
Assistant Administrative Director  
Center for Public Interest Law

cc. Members, Governance in the Public Interest Task Force

---

<sup>3</sup> May require legislative fix to overcome *Brosterhous* preclusion on mandatory bar dues for diversity programming