



The State Bar of California Is Seeking A New Chief Trial Counsel



UNIQUE OPPORTUNITY

The State Bar of California is seeking a collaborative, visionary, and politically astute legal professional to become the new Chief Trial Counsel. Reporting to the Board of Governors' Discipline Oversight Committee on issues pertaining to the discipline enforcement system, and reporting to the State Bar's Executive Director on budget, personnel and related administrative matters, the Chief Trial Counsel is the chief enforcement officer for the State Bar's attorney discipline system. The Chief Trial Counsel is appointed by the Board of Governors and confirmed by the State Senate for a term of four years and may be reappointed for additional four year terms.

STATE BAR OF CALIFORNIA

The purpose of the State Bar of California is to preserve and improve our justice system to assure a free and just society under law.

— The State Bar's Mission Statement

The State Bar of California was created by the state Legislature in 1927 and is a public corporation within the judicial branch of government, serving as an arm of the California Supreme Court in matters involving the admission, regulation and discipline of attorneys. The State Bar is a unified bar. It serves the dual purpose of being the state regulatory agency for lawyers as well as the state professional association for its members. All California lawyers practicing law must be active members. With over 223,000 members, the State Bar of California is the largest state bar in the nation. Nearly 165,000 State Bar members actively practice law in California, while the rest retain their licenses as inactive members. To practice law in California, applicants must pass the California Bar Examination and pay their annual membership (licensing) fees to the State Bar of California. For more than 80 years, the State Bar has enhanced the administration of justice, regulated the professional conduct of the state's lawyers and provided greater access to the justice system for all citizens. The State Bar continually seeks to respond to the demands of a changing society fulfilling its mission to its members and the public.

The State Bar is governed by a Board of Governors, which consists of a president and 22 members. Fifteen Board members are lawyers elected by members of the State Bar from statutorily defined districts. The Board of Directors of the California Young Lawyers Association elects a 16th lawyer. Six "public," non-lawyer members are appointed to the Board of Governors – four by California's Governor, one by the Senate Committee on Rules and one by the Speaker of the Assembly. The President of the Board of Governors is elected by the other Board members. The Board of Governors meets approximately eight times a year.



The State Bar has 630 budgeted employees and a \$140 million budget, divided between general and special funds. The State Bar's offices are located in downtown San Francisco and Los Angeles.

The State Bar is conceptually divided into five service areas:

Public Protection: including Admissions; Chief Trial Counsel (disciplinary enforcement); State Bar Court (disciplinary adjudication); the Client Security Fund; and the Office of Probation;

Administration of Justice: including Legal Service Program; Access & Fairness Programs; Judicial Evaluation; Bar Relations; and Government Affairs;

Member Services: including Member Benefits (Insurance and Affinity Programs); Member Records; Professional Development (Legal Education and Meeting Services); Attorney Ethics and Professional Competence Programs; Arbitration of Fee Disputes; and Lawyer Assistance Program;

Administrative Support: including Finance; Information Technology; Human Resources; General Counsel; Media and Information Services; and Real Property Operations;

Board Administration: including the Board of Governors and the State Bar Secretariat.

The State Bar's Office of the Chief Trial Counsel is the disciplinary enforcement division of the State Bar. It receives, investigates and prosecutes complaints against California attorneys. In fulfilling its mission to protect the public, the Office of the Chief Trial Counsel presents its cases to the State Bar Court, which serves as the administrative arm of the California Supreme Court in the adjudication of disciplinary and regulatory matters involving California attorneys. The Office works with the Client Security Fund, which reimburses victims for losses due to attorney theft or acts equivalent to theft; the Office of Probation, which monitors attorneys who have been ordered to comply with certain conditions relating to State Bar disciplinary matters; the Office of Mandatory Fee Arbitration, which administers a statewide program for the arbitration of fee disputes between attorneys and their clients; the State Bar's Professional Competence Programs, which further the State Bar's ongoing efforts to improve the quality of legal services and enhance the professional standards of California lawyers; the Office of Admissions, the Specialization Program, Membership Records; the Lawyer Referral Service Certification Program and the Office of the Secretary, which develop standards for certification and oversee non-disciplinary regulatory programs relating to the practice of law.

The State Bar's General Fund, which is supported by membership licensing fees provides the resources necessary to operate the Office of the Chief Trial Counsel and other regulatory programs that further the State Bar's public protection mission.

The State Bar also offers hundreds of classes, seminars and workshops to attorneys annually to help them meet Minimum Continuing Legal Education ("MCLE") requirements, making the State Bar one of the largest MCLE providers in the state.



**For further information
about the State Bar of California,
see its Website at: www.calbar.ca.gov**

OFFICE OF THE CHIEF TRIAL COUNSEL

The State Bar's attorney discipline system is designed to protect the public, the courts and the profession from attorneys who violate the professional standards that govern attorney conduct in California. The State Bar's Office of the Chief Trial Counsel (OCTC), which handles complaint intake, investigations, trials, and central administration, is the disciplinary enforcement arm of this system. OCTC's Intake Unit and Investigation/Trial Units screen, review, analyze, investigate and prosecute allegations of attorney misconduct. OCTC's Audit and Review Unit reviews this work upon request and conducts random quality control reviews of OCTC's files. OCTC is comprised of approximately 250 union and nonunion employees, 50 located in the San Francisco office and the remainder located in the Los Angeles office, including administrative staff, intake complaint analysts, paralegals, investigators, and prosecuting attorneys. OCTC is managed by the Chief Trial Counsel, two Deputy Chiefs, six Assistant Chiefs and two administrative managers, and administers a \$40 million General Fund budget.

THE POSITION

Reporting to the Board of Governors' Discipline Oversight Committee on issues pertaining to the discipline enforcement system, and reporting to the Executive Director on budget, personnel and related administrative matters, the Chief Trial Counsel (CTC) is the chief enforcement officer for the State Bar's attorney discipline system and serves in this position consistent with the Business & Professions Code Section 6079.5. This position is appointed by the Board of Governors and is subject to Senate confirmation.

Under the general oversight of the Discipline System Oversight Committee, the CTC is responsible for overseeing, planning, organizing and directing the enforcement of attorney disciplinary standards in California and the investigation and prosecution of disciplinary and related violations by California attorneys consistent with the Rules of Professional Conduct, the Rules of Procedure of the State Bar of California, the California Business and Professions Code and related authorities. The CTC retains independence from the State Bar Executive Director with respect to the investigation and prosecutorial functions of the Office of the Chief Trial Counsel in individual cases, including the exercise of the CTC's prosecutorial discretion. The CTC is a member of the Executive Director's Senior Management Team and is responsible for overseeing the budget and personnel in the Los Angeles and San Francisco offices of OCTC, subject to the Executive Director's overall responsibility to administer the State Bar's budget, personnel, facilities and related support activities in accordance with the policy parameters established by the Board of Governors.

This position is based in Los Angeles and is the highest ranking management representative for that office. As such, this position may assist the Executive Director with the management of the State Bar's facilities and resources in Los Angeles. The CTC may also oversee other programs as assigned separate from the OCTC. This position does require travel to the San Francisco office on a regular basis.

The incoming Chief Trial Counsel will have numerous priorities and challenges to address upon appointment to the position, including:

- Evaluating the recent State Auditor's report and making decisions regarding the recommendations included in that report;

- Establishing collaborative relationships with the Board of Governors, the Executive Director's Office, OCTC staff, and a multitude of external stakeholders;
- Continuing the Board of Governor's steadfast commitment to the public protection mission of the State Bar;
- Assuring that the public's interests are served in executing the State Bar's mission, balanced effectively with the due process rights of attorneys in the discipline system;
- Assuring the cost effectiveness of the discipline system for the public and members;
- Implementing a strategic plan to effectively address identified needs for improvement in the system.

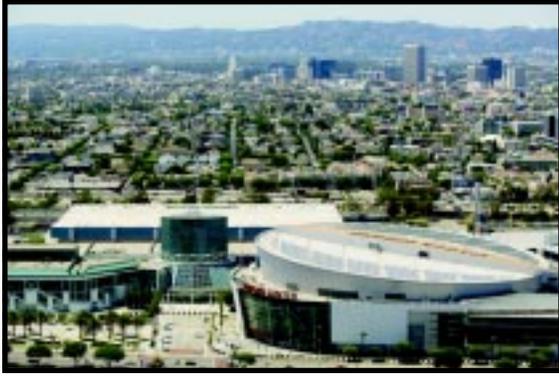
THE IDEAL CANDIDATE

The next Chief Trial Counsel is expected to bring solid leadership and managerial expertise to provide guidance and direction to staff while clearly articulating a vision for the Office of the Chief Trial Counsel. The ideal candidate will be able to establish an open and trusting partnership with the Board of Governors, capably advising the Board of Governors on discipline policy, and also effectively developing collaborative relationships with external stakeholders, such as the Legislature, Supreme Court, Governor's Office, bar members, the public, and others, while at the same time preserving the CTC's independent exercise of prosecutorial discretion.

The successful candidate will be an experienced legal professional who possesses a management philosophy of trust and decisiveness – seeking to empower and motivate staff while also holding staff accountable. The CTC will be comfortable managing in a large organization in a collaborative, inclusive manner while ultimately making critical decisions after considering varying viewpoints. Key attributes for this position include the art of balancing tactfulness and diplomacy with the need to be assertive and decisive in leading staff to accomplish the responsibilities of the OCTC. In addition, the CTC must possess a high level of political acumen and the ability to remain calm under what are often very stressful circumstances given the nature of the responsibilities of the office. With integrity and objectivity, the role of the CTC is to capably and effectively balance public interest, public protection, due process, and member relations. In addition, the CTC must be willing to take a measured approach to learning about the State Bar system and to actively listen to input from the Board of Governors, Discipline Oversight Committee, Executive Director's Office, and OCTC staff.

Qualified candidates for this position shall bring significant, progressively responsible experience in the practice of law (a minimum of five years, ten years preferred), including substantial trial experience, with law practice in broad areas of the law. In addition, a minimum of two years experience is required (five years preferred) of prosecutorial or similar experience in administrative agency proceedings or licensing agencies, as well as administrative oversight and senior





management. Candidates must be active members in good standing in the State Bar of California and have a demonstrated verifiable reputation for integrity and no history of disciplinary offenses as an attorney or in any other capacity.

In addition to the previously stated requirements, the State Bar is desirous of attracting individuals who also possess the following characteristics and competencies:

- Open and accessible attitude and approach in dealing with the Board of Governors, State Bar staff and various external stakeholders in order to instill trust and confidence with these groups;
- Uncompromising ethics and integrity;
- Innovative problem solving skills and a solution oriented commitment to continuous quality improvement and implementing enhanced technology efficiencies;
- Superior judgment and well developed political intuition;
- Reputation for quality work and consistent follow-through;
- Consultative and approachable demeanor;
- Flexible and resilient manner;
- Proactive and assertive perspective;
- Ability to communicate in a professional and poised manner in a variety of settings;
- Ability to articulate complex ideas in understandable, straightforward terms;
- Energetic, possessing a solid work ethic;
- Participative and collaborative style;
- Self confident, but respectful and responsive to others.

COMPENSATION AND BENEFITS

The current annual salary range for the Chief Trial Counsel is **\$124,498 - \$183,264** (appointment in the range will be commensurate with qualifications and experience). As an employee of the State Bar of California, the Chief Trial Counsel also receives a comprehensive benefit plan including, but not limited to:

Retirement

- California Public Employees' Retirement System (CalPERS) 2% @ 55 Plan (employer and employee contribution paid by State Bar)

Deferred Compensation

- 457 Deferred Compensation Program (no matching contribution)

Insurance

- Medical, dental, and vision coverage currently through Kaiser or Aetna, with full premiums paid by the State Bar (employees and eligible dependents)
- Long Term Disability Insurance coverage
- Life Insurance
- State Bar funded retiree health after 15 years of service

Leave Allowance

- 3 weeks of vacation starting and up to 5 weeks maximum
- 13 holidays
- 12 days sick leave

A relocation reimbursement allowance and transit and ride share reimbursement programs are available.

APPLICATION PROCESS AND RECRUITMENT SCHEDULE

To be considered for this position, please submit a resume and cover letter, including indication of current salary, and the names of five work-related references, directly to:



Stuart Satow or Christine Iams
CPS EXECUTIVE SEARCH

241 Lathrop Way • Sacramento, CA 95815
Tel: 916 / 263-1401 • Fax: 916 / 561-7205

Email: resumes@cps.ca.gov

CPS Website: www.cps.ca.gov/search

The filing date for this position is Friday, September 25, 2009.

Following the filing date, resumes will be screened in relation to the criteria outlined in this brochure. Candidates with the most relevant qualifications will be given preliminary interviews by the consultants by mid-October including a preliminary background check.

Candidates deemed most qualified will be reported to the State Bar's Executive Director and Board representatives. Candidates will be invited to participate in interview and selection activities with these representatives. Following these initial selection activities, a small group of candidates will proceed to a final interview with the Board of Governors. Under existing Board policy, the selection of the Chief Trial Counsel is a joint undertaking of the Board and the Executive Director. Following the final interview, the top candidate will undergo a thorough background investigation and reference check process, and will be subject to Senate confirmation.

