



THE STATE BAR OF CALIFORNIA

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Title of Report: Measures To Implement Strategic Plan and To Enhance and Ensure Public Protection
Statutory Citation: Business and Professions Code sections 6001.2 and 6140.12
Date of Report: February 13, 2015

Business and Professions Code section 6140.12 (added Stats. 2011, ch. 417, § 47) requires that the State Bar of California’s Board of Trustees complete and implement a five-year strategic plan to be updated every two years and that each year by February 15, the State Bar president’s report to the Supreme Court, the Governor, and the Senate and Assembly Committees on Judiciary on the measures the board has taken to implement the strategic plan and those measures the board will need to take in the remaining years of the strategic plan. Business and Professions Code section 6001.2 (added Stats. 2011, ch. 417, § 2.5) also requires that the State Bar, commencing in 2014 and every three years thereafter, submit by May 15 a report on its measures and recommendations for enhancing the protection of the public and ensuring that protection of the public is its highest priority. To comply with both these provisions, the State Bar’s Board of Trustees annually holds a planning session to review the State Bar’s progress in implementing its strategic plan and to consider and propose other measures to enhance its mission of public protection, including proposals to ensure access to justice and diversity in the justice system consistent with that mission.¹

The following summary of the State Bar president’s report is provided under Government Code section 9795.

The report enumerates measures the board has taken to implement the strategic plan in 2014. In addition, it is also intended to update the State Bar’s progress in implementing the goal set forth in Business and Professions Code §6001.2 of “enhancing the protection of the public and ensuring that protection of the public is the highest priority in the licensing, regulation, and discipline of attorneys.”

The full report is available at: <http://www.calbar.ca.gov/AboutUs/Reports.aspx>.

A printed copy of the report may be obtained by calling 916-442-8018.

¹ As a result, the full Board, instead of only 7 its members as provided in Business and Professions Code section 6001.2, participates in the development of the measures and recommendations under both statutes.



THE STATE BAR OF CALIFORNIA

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February 13, 2015

Honorable Chief Justice and Associate Justices
The Supreme Court of California
350 McAllister Street
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Honorable Jerry Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Honorable Hannah-Beth Jackson
Chair, Senate Committee on Judiciary
State Capitol, Room 2032
Sacramento, CA 95814

Honorable Mark Stone
Chair, Assembly Committee on Judiciary
State Capitol, Room 5155
Sacramento, CA 94249

Dear Chief Justice Cantil-Sakauye, Governor Brown, Senator Jackson and Assemblyman Stone:

I am writing to update you on the measures taken by the State Bar's Board of Trustees in 2014 to implement the Bar's Five-Year Strategic Plan. The Bar had an active year focused on continued implementation of the goals established by the Board in the strategic plan. The implementation plan was established during the Board's annual planning session in January 2014, where the Board reviewed the goals established by the strategic plan and set implementation goals for the year.¹

Background

Business and Professions Code section 6001.1, added by Statutes 2011, chapter 417 (Sen. Bill No. 163),² provided that protection of the public shall be the highest priority for the State Bar. Section 6001.1 further states: "Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." SB 163 also imposed a requirement for the Board of Trustees of the State Bar to complete and implement a Five-Year Strategic Plan. (Bus. & Prof. Code, § 6140.12, added SB 163, § 42.) In compliance with SB 163, the Board adopted a Five-Year Strategic Plan that set forth goals and measures for the State Bar consistent with its mandated priority of public protection.

¹ This report is submitted pursuant to Business and Professions Code §6140.12, which requires that each year in conjunction with the submission to the Legislature of the State Bar's proposed final budget by February 15 as required by Business and Professions Code § 6140.1, the President of the State Bar of California "...shall report to the Supreme Court, the Governor, and the Senate and Assembly Committees on Judiciary on the measures the board has taken to implement the strategic plan and shall indicate the measures the board will need to take in the remaining years of the strategic plan to address the projected needs contained in the plan."

² Hereinafter, "SB 163."

In addition to providing the yearly update required by Business and Professions Code § 6140.2, this report is also intended to update the State Bar's progress in implementing the goal set forth in Business and Professions Code §6001.2 of "enhancing the protection of the public and ensuring that protection of the public is the highest priority in the licensing, regulation, and discipline of attorneys."

Business and Professions Code section 6001.2 requires a report from the State Bar that includes "recommendations for enhancing the protection of the public and ensuring that protection of the public is the highest priority in the licensing, regulation, and discipline of attorneys." The report is to be prepared by a Governance in the Public Interest Task Force comprised of six members of the Board of Trustees and the State Bar President as its chair and seventh member. By May 15, 2014, and every three years thereafter, the report is presented to the Supreme Court, the Governor, and the Assembly and Senate Committees on Judiciary. Section 6001.2 also provides that the task force make suggestions to the full Board regarding possible additions to, or revisions of, the strategic plan.

The Board annually holds a planning session to review the State Bar's progress in implementing its strategic plan and to consider and propose other measures to enhance its mission of public protection, including proposals to ensure access to justice and diversity in the justice system consistent with that mission.³

2012 Five-Year Strategic Plan

In 2012 the Board adopted a Five-Year Strategic Plan that laid out three large-scale initiatives the State Bar would undertake to re-tool the organization for sustainable, lasting improvement by re-making key aspects of its organizational culture.

The State Bar's Five-Year Strategic Plan was adopted by the Board of Trustees on February 10, 2012. The plan represented a renewed focus on the State Bar's fundamental mission of public protection, and on cultivating a high-performing public service culture at all levels of the organization. It also identified a number of priority policy areas for exploration and action. Examples included:

- Establishing new standards for education and practical skills training for new lawyers,
- Strengthening the regulation of California accredited law schools, and
- Finding ways to strengthen the legal services delivery system, including its funding sources.

The plan also identified three internal initiatives for the next five years:

- Modernizing State Bar information technology,
- Preserving and improving State Bar physical facilities, and

³ As a result, the full Board, instead of only 7 members as the Governance in the Public Interest Task Force, participate in the development of the measures and recommendations under both sections 6001.2 and 6140.12 of the Business and Professions Code.

- Streamlining the Bar’s programs and processes.

As required by statute, and as reported to you last year, the Board of Trustees at its annual planning meeting on January 12, 2014, reviewed the Bar’s progress toward implementing the 2012 Five-Year Strategic Plan and approved important policy updates:

- It added, “Developing external relations in support of more proactive approaches to public protection,” as a priority policy area,
- It also added, “Actively monitoring trends in the legal marketplace to identify regulatory changes needed to adequately protect the public,” as another priority policy area, and
- It expanded the “operations re-engineering” initiative called for in the plan to a more comprehensive “organizational performance management” initiative.

These updates were a recognition of needs and opportunities that emerged since the original plan was adopted. The Bar took additional steps in 2014 toward their implementation, which are described below.

Implementation Progress: Priority Policy Areas

1. In the area of practical skills training for new lawyers, the Bar’s Task Force on Admissions Regulation Reform (TFARR), chaired by former State Bar President Jon Streeter, held 8 public hearings during 2014 to develop implementing rules for TFARR’s Phase I proposals. TFARR sought informal public comment on the implementing rules from interested and potentially affected groups who have been monitoring TFARR’s work actively. At its September 16, 2014 hearing, TFARR reviewed all feedback and made revisions. The proposals then went to the Board Executive Committee for a formal public comment period that ended on November 3, 2014.

Following the public comment period, the implementing recommendations were submitted to the Board of Trustees and adopted at its November 7, 2014 meeting.

2. The State Bar has been very active in support of enhanced funding for legal services and administers the following funds: Interest on Lawyers’ Trust Accounts (IOLTA) grants; Equal Access Fund (EAF); Justice Gap Fund; State Bar Dues voluntary contribution to legal services; and the Attorney General National Mortgage Settlement Fund Grants. In 2014-2015, annual grants went to almost 100 non-profit legal aid organizations, including direct legal services providers and support centers that collectively provide services in all 58 California counties. Legislatively, the Bar successfully supported an increase, beginning in 2015, to \$40 of non-mandatory (opt out) member dues earmarked for legal services funding. The State Bar’s Annual dues bill also includes a voluntary check-off box and a suggested donation amount of \$100 contribution to the Justice Gap Fund. In 2014, Justice Gap funds were supplemented with an additional line-item on the attorney member dues bill enabling attorneys to contribute \$30 to the fund through an opt-out check-off.

The donations received through the Justice Gap Fund are combined with revenue from IOLTA and distributed on a formulaic basis to all California legal aid organizations that qualify for grant funding. In 2014, the \$30 voluntary check-off box on the Annual dues bill

for legal services and the suggested donation amount of \$100 contribution to the Justice Gap Fund, allowed the State Bar to raise over \$5.5 million additional support for legal services programs. In addition to the funds discussed above, in 2013-2014, the State Bar administered over \$10.4 million in grants from the Attorney General National Mortgage Settlement Fund. The State Bar distributed over \$6 million of these one-time grants to legal aid organizations helping California families deal with the foreclosure crisis.

In addition to supporting increased funding for legal services, the State Bar is working to find other ways to expand access to courts and lawyers for low and moderate income Californians. The Task Force on Civil Justice Strategies, chaired by then State Bar President Luis Rodriguez and co-chaired by myself was charged with analyzing the “justice gap,” evaluating the role of the legal profession in addressing the crisis, seeking broad input from groups working in this area, studying creative solutions being considered in other states and countries, and developing an action plan to fill the justice gap and achieve true “access to justice” in California. The Task Force on Civil Justice Strategies met seven times in 2014, focusing on innovative strategies to address California’s “justice gap.” A report is forthcoming.

3. In the wake of the Obama administration’s November 2014 announcement of a plan to provide administrative relief and work permits to as many as 3.7 million undocumented parents of U.S. citizens and legal permanent residents, as well as an additional 300,000 young immigrants who were brought to the country illegally as children, the State Bar took unprecedented proactive action to help prevent a potential explosion of misconduct and client abuse in the area of immigration reform fraud. The State Bar has continued to monitor complaints received by the Office of the Chief Trial Counsel since the effective date of AB 1159, to identify complaints that the office has opened against attorneys related to immigration work. Additionally, in the area of external relations, the State Bar has taken proactive steps to seek out those who continue to exploit immigrants by ignoring AB 1159:
 - Developed an External Relations & Outreach Program to targeted partnerships, in order to advance the directive of AB 1159,
 - Conducted town halls with community organizations, to provide information about the protections and resources available to the immigrant community,
 - Created an "immigration hotline" telephone number and tracked the number of calls which are directed to the Intake Unit for handling and will track the number of complaints that allege fraudulent acts related to an immigration matter, including violations of AB 1159, and
 - Issued media releases alerting consumers on immigration related issues.
4. In the area of expanding external relations to enable a more pro-active approach to public protection, the Bar organized 11 town hall meetings throughout the State in conjunction with other consumer protection agencies and members of state and local government, which focused on consumer fraud issues for Seniors, Veterans, and the general public.

5. At its 2014 Strategic Planning Session, the Board of Trustees discussed the topic of “Enhancing State Bar Commitment to Diversity through Internal and External Policies” to focus on the importance of diversity to the State Bar’s core mission of public protection. This year the Board has continued to focus on developing policies to ensure accessibility and access to legal services and the justice system for all members of the public and enhance access, fairness and diversity in the legal profession. To forward these goals, the Board is reviewing the State Bar procurement process for inclusiveness and encouraging the educational pipeline initiatives of its Council on Access and Fairness.

Implementation Progress: Internal Initiatives

1. As noted in the 2014 report to you, the State Bar opened for business its new location at 845 South Figueroa in Los Angeles on January 6, 2014. Our new building was designed, inside and out, to reflect professional pride in our identity as a public regulatory agency committed to our mission of public protection.
2. In San Francisco, our facilities improvement initiative has continued to focus on long-deferred maintenance projects that are necessary to preserve our building at 180 Howard Street. The Board of Trustees has recently recommitted itself to continue long-term exploration of options to maximize the value of the 180 Howard Street building so as to further the mission of the State Bar and the public interests it serves. In 2014 we began major upgrades to the building’s Heating, Ventilation and Air Conditioning System, which will be continuing through 2015.
3. In 2014, the Bar replaced computer hardware, both on individual desktops and in its Los Angeles data center, which allowed for software upgrades that streamlined processes and increased efficiency across the agency. Software upgrades included Microsoft Office, desktop productivity tools, and server operating and database systems.
4. In 2014, the enterprise-wide Document Management System (DMS) was installed and configured. Full deployment is delayed pending integration with the Office of Chief Trial Counsel’s case management system. Information Technology will also work with the Office of General Counsel to start planning the integration of a DMS for its departmental case management system by the end of 2015, with implementation planned in 2016.
5. The Bar has continued working on the development and implementation of the new Case Management System (CMS) for the Office of the Chief Trial Counsel. As of this report, the project team has made significant progress realizing the CMS project completion. We expect to finalize implementation this year and plan to deploy the case management system in 2016.

Additional Measure to Fully Implement the Plan

1. In March, the Task Force on Civil Justice Strategies will present a report to the Board of Trustees on the work it completed in 2014. The Board will consider implementation of recommended strategies to address California’s “justice gap.”

2. The Bar will continue to develop its outreach efforts to vulnerable communities, in furtherance of the goal of taking a more proactive approach to public protection.
3. Internally, the Bar will continue to complete technology projects underway is planning for implementation of new systems for State Bar Court, Admissions, and Member Records.

New Strategic Planning Initiative

At its January 23-24, 2015 Planning Meeting, the Board of Trustees began the discussion for producing draft strategic goals for the forthcoming 2016 Five-Year Strategic Plan. The draft goals developed at the January planning meeting will be circulated for comment to the Trustees and be brought back to the Board Planning & Budget Committee and the Board as necessary with the expectation of eventual adoption in July 2015.

In keeping with the policy-oriented focus of the Board, the in-process 2016 Five-Year Strategic Plan will consist of high level goals and objectives, and measures as required by statute. It will be the Chief Executive Officer's task, once he or she is in place, to collaborate with staff to examine the implementation issues and proceed as appropriate, within existing resources, towards additional development of internal work/action plans.

With Kind Regards,



Craig Holden
President
The State Bar of California

cc: Carin Fujisaki, Principal Attorney to the Chief Justice of the Supreme Court of California
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