



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 15, 2018

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 Board chair 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.

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.

We are pleased to submit the attached *Report on Measures to Implement the State Bar Strategic Plan* as required by statute. The Report outlines the progress the State Bar has made on implementation of its 2017-2022 Strategic Plan as well as an overview of key 2018 initiatives in support of the Strategic Plan.

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 415-538-2299.



THE STATE BAR OF CALIFORNIA

MICHAEL G. COLANTUONO
President

180 HOWARD STREET, SAN FRANCISCO, CA 94105-1639

February 15, 2018

Honorable Tani G. Cantil-Sakauye
Chief Justice of California
Supreme Court of California
455 Golden Gate Avenue
San Francisco, CA 94102

Honorable Jerry Brown
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

Honorable Kevin de León
Senate President Pro Tempore
State Capitol, Room 205
Sacramento, CA 95814

Honorable Anthony Rendon
Speaker of the Assembly
State Capitol, Room 219
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 3146
Sacramento, CA 95814

Dear Chief Justice Cantil-Sakauye, Governor Brown, Senate President Pro Tempore de León, Speaker Rendon, Senator Jackson, and Assemblymember Stone:

I am pleased to submit the attached report on the measures the State Bar has taken to implement the strategic plan as required by Business and Professions Code section 6140.12.

In 2017 the State Bar of California celebrated its 90th anniversary and adopted a transformative five-year Strategic Plan. The 2017-2022 Strategic Plan (Strategic Plan or Plan) outlines five goals:

1. Successfully transition to the 'new State Bar' — an agency focused exclusively on public protection through regulating the legal profession and promoting access to justice.
2. Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system to uphold and enforce standards for the more than 250,000 lawyers licensed in California.
3. Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

4. Support access to justice for all California residents and improvements to the state's justice system.
5. Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.

Together, these five goals and the specific objectives which support their successful implementation enable the State Bar to set a standard of excellent performance of which all Californians can be proud.

2017 was a year of significant transition for the State Bar. Many of those transitions tie directly to elements of the Strategic Plan. Most critically, the Bar adopted a new mission statement in 2017, further focusing the efforts of the organization on its licensing, regulation, and discipline functions, as well as expressly articulating the Bar's role in the advancement of the ethical and competent practice of law and support for efforts to increase access to justice and diversity in the legal system:

The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.

In addition to adoption of an updated mission statement, 2017 saw the transition of the State Bar Sections to a new entity, the California Lawyers Association (CLA). Together, these two actions resulted in the Bar's substantial progress on Goal 1 of the Strategic Plan. Other 2017 activities in furtherance of Plan implementation included the pursuit of governance reforms recommended by the 2017 Governance in the Public Interest Task Force, the completion of organizational restructuring in the Office of Chief Trial Counsel (OCTC) in compliance with the mandate contained in Business and Professions Code section 6140.16, the institution of enhanced collections efforts throughout the Bar, and the initiation of work to launch a new case management system for OCTC, the State Bar Court, and the Office of Probation.

The coming year will see continued progress on implementation of the Strategic Plan. The Bar will advance the governance and discipline-system reforms begun in 2017 while also initiating important new efforts in support of our access and diversity our missions. I look forward to reporting on our accomplishments in these areas later this year.

At the same time that the Bar is undergoing historic change, the organization faces an escalating funding crisis. After 20 years without a fee increase, the gap between the Bar's expenses — over 70 percent of which are comprised of personnel costs — and flat revenues, has grown to the point that our ability to carry out the Bar's critical public protection work will soon be in jeopardy. Nonetheless, the State Bar's leadership is committed to continuing on its path of reform to ensure that the Bar effectively and transparently carries out its public protection mission on behalf of all Californians regardless of the resources made available to us to do so.

Sincerely,



Michael G. Colantuono
President

Enclosures

cc: Carin Fujisaki, Principal Attorney to the Chief Justice of California
Gregory Fortescue, Supreme Court Civil Central Staff
Nancy McFadden, Executive Secretary, Office of the Governor
Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Margie Estrada Caniglia, Chief Counsel, Senate Judiciary Committee
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee

REPORT ON MEASURES TO IMPLEMENT THE STATE BAR STRATEGIC PLAN

BUSINESS & PROFESSIONS CODE 6140.12



THE STATE BAR OF CALIFORNIA
FEBRUARY 15, 2018

Introduction

Business and Professions Code section 6140.12 requires that the chair of the State Bar “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.”¹

The mandated report on the measures taken to implement the strategic plan is required to be submitted in conjunction with the submission of the State Bar’s proposed final budget which is due on February 15. This report fulfills the requirement contained in Business and Professions Code section 6140.12.

2017 was a year of transition for the State Bar. Many of those transitions – some completed, others only initiated – are directly related to elements of the State Bar’s 2017-2022 Strategic Plan.² The transition of the State Bar Sections to a new entity, the California Lawyers Association (CLA) was the most visible of these transitions and reflects the Bar’s substantial accomplishment of Goal 1 of the State Bar’s Strategic Plan: Successfully transition to the “new state Bar” – an agency focused on public protection, regulating the legal profession, and promoting access to justice.”

Other changes in furtherance of the implementation of the Strategic Plan include the pursuit of governance reforms through the Governance in the Public Interest Task Force, the completion of organizational restructuring in the Office of Chief Trial Counsel (OCTC) in compliance with the mandate contained in Business and Professions Code section 6140.16, and the initiation of work to launch a new case management system for OCTC, the State Bar Court, and the Office of Probation.

At the same time that the Bar is undergoing historic change, the organization faces an escalating funding crisis. After 20 years without a fee increase, the gap between the Bar’s expenses, over 70 percent of which are comprised of personnel costs, and a flat revenue stream, has grown to the point where the Bar’s ability to carry out its critical public protection work will soon be in jeopardy. Nonetheless, the State Bar’s leadership is committed to continuing on its path of reform to ensure that the Bar effectively and transparently conducts its public protection mission.

¹ The full text of Business & Professions Code section 6140.12 is provided as Appendix A to this report.

² A separate Report on the 2017 Operational Plan, which includes the full text of the 2017-2022 Strategic Plan, is provided as Appendix B to this report.

THE 2017-2022 STRATEGIC PLAN

In January 2017, the Board of Trustees (Board) of the State Bar of California (Bar) adopted a five-year State Bar Strategic Plan. The Strategic Plan sets forth ambitious goals for 2017-2022 as follows:

Goal 1: Successfully transition to the “new State Bar” – an agency focused on public protection, regulating the legal profession, and promoting access to justice.

Goal 2: Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

Goal 3: Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

Goal 4: Support access to justice for all California residents and improvements to the state’s justice system.

Goal 5: Proactively inform and educate all stakeholders, but particularly the public, about the State Bar’s responsibilities, initiatives, and resources.

The Board also adopted objectives describing specific activities the Bar would undertake to achieve these goals over the course of the Strategic Plan period.

The Bar made significant progress on the Strategic Plan during 2017, as described below.

MEASURES THE BOARD HAS TAKEN TO IMPLEMENT THE STRATEGIC PLAN

Goal 1: Successfully transition to the “new State Bar” – an agency focused on public protection, regulating the legal profession, and promoting access to justice.

- Transition of the State Bar Sections. In 2017 the Bar effectuated the transition of the State Bar Sections to a new entity, the California Lawyers Association (CLA). As of December 31, 2017, CLA was established and Memoranda of Understanding (MOUs) between the State Bar and CLA codifying the terms of the separation, the nature of the continuing relationship between the Bar and CLA, and mechanisms to ensure compliance with the auditing and oversight provisions of the 2018 fee bill, had been executed.
- Adoption of a New Mission Statement. In July 2017 the Board of Trustees adopted a new mission statement for the Bar, further focusing the efforts of the organization on its licensing, regulation and discipline functions, as well as expressly articulating the Bar’s role in the advancement of the ethical and competent practice of law and support for efforts to increase access to justice and diversity in the legal system:

“The State Bar of California’s mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.”

- Governance Reforms. The Bar’s Governance in the Public Interest Taskforce completed its 2017 review and report. Consistent with and taking the lead from Taskforce recommendations, the Board revised its committee structure to better align with State Bar

operations, realigned the executive management of the Bar, developed dashboards to enable review of progress on key activities, eliminated a number of sub-entities, and began a comprehensive review of all remaining sub-entities to ensure that each sub-entity's purpose and operations align with the Bar's public protection mission.

Goal 2: Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

- Completion of Workforce Planning Implementation, Office of Chief Trial Counsel (OCTC). While Workforce Planning recommendations have been implemented throughout the discipline system, OCTC's effort is particularly significant. In 2017 OCTC completely transformed its organizational structure into an inter-disciplinary team model pursuant to those recommendations and streamlined a number of its business processes.
- Studies of the California Bar Exam. The Bar completed three studies of the California Bar Examination designed to identify factors that might explain the significant variance in bar pass rates between 2008 and 2016. A final study, the Law School Performance Study, is currently underway.
- Implementation of the Two-Day Bar Exam. The Bar successfully implemented a new Two Day Bar Examination format, administering the first two-day exam in July 2017.
- Launch of the Implementation of the Odyssey Case Management System. The Bar launched the Odyssey case management system initiative in 2017. Subject matter experts from throughout the Bar have been assigned to the project, which is led by a dedicated project manager. This team is working on configuration, data conversion, and identifying areas for business process reengineering. When implemented later this year, Odyssey will both streamline many of the administrative aspects of discipline case processing as well as increase public access.
- Launch of a Discipline System Workload Study. The Workload Study conducted in the fall of 2017 will identify the number and type of staff needed to achieve case processing goals in OCTC, State Bar Court, and the Office of Probation. Results of the study will be presented in the first quarter of 2018.
- Development of OCTC Case Prioritization. The Chief Trial Counsel developed a new case prioritization strategy to meaningfully prioritize those cases that present the most risk of harm to the public. Necessary policy changes are underway and the system is slated to be implemented in early 2018.

Goal 3: Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

- Implementation of New Classification and Compensation Structure. The Bar implemented a new, market-based, classification and compensation structure for its executive and confidential employees. The structure aligns Bar salaries with those of comparable agencies and provides for clear promotional pathways for staff.
- Investments in the State Bar Workforce. In 2017 the Bar hired a dedicated professional development staff person and implemented an articulated staff training program.

- New Procurement and Expenditure Rules. The Bar implemented more restrictive procurement and expenditure procedures mirroring those of other state regulatory agencies.
- Focus on Compliance. In 2017 the Bar determined that it had been out of compliance with a nearly 30-year old statute regarding licensee subsequent arrest notifications. In response to this and other compliance lapses that staff has identified in recent years, the Bar established the Mission Advancement and Accountability Division. This Division has Bar-wide responsibility for compliance, specifically State Bar statutory and rule compliance.
- Implementation of Information Technology Strategic Plan. In 2017 the Bar adopted a three-year Information Technology Strategic Plan. 2017 activities in support of that Plan included completion of a security review and deploying online billing for annual licensee fees, including a system allowing for firm and agency billing.
- Increased Investment in OCTC. Continuing on progress made in 2016, the Bar's 2017 budget reflected increased staff for OCTC. These staffing augmentations are the result of ongoing efforts to reallocate funding from other areas of the Bar to OCTC.

Goal 4: Support access to justice for all California residents and improvements to the state's justice system

- Developed Mechanisms to Improve Access to Justice. In response to the needs of the many people impacted by the Northern California wildfires, the Bar worked with legal service providers and local bar associations to coordinate legal assistance, provide a hotline and online resources, recruit pro bono attorneys, and educate individuals on what to expect from lawyers and how to protect against fraud. This effort has been replicated for other California disasters, including the Southern California fires.
- Supported Access to Pro Bono Attorneys. The Bar began work to develop an online referral platform for pro bono attorneys and exploring ways to educate and train new pro bono attorneys.

Goal 5: Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.

- Launch of a New Website. The Bar launched its redesigned website, the Bar's primary public and licensee communication tool. The website clearly reflects the Bar's public protection, as opposed to associational, purpose.
- Improved Stakeholder Communication. The Bar developed and disseminated legislative newsletters designed to provide legislators with information about State Bar activity in their districts. In addition, in 2017 the Bar increased its efforts to bring attention to attorney discipline, which were proactively placed with media outlets statewide so as to increase public awareness about the Bar's public protection activities.
- Improved Public Information. In response to the Northern California wildfires, the Bar developed consumer fraud alerts in 3 languages warning the public to watch out for and report potential fraud perpetrated by those posing as lawyers or lawyers taking advantage of vulnerable victims.

MEASURES THE BOARD WILL TAKE IN 2018

At its January 26, 2018, planning session, the Board spent a day and a half revisiting the Strategic Plan.³ At the planning session, the Board reviewed the activities that have been undertaken in support of the Plan, conducted an assessment of the extent to which existing objectives have been completed or otherwise become obsolete, and a determination of whether additional objectives should be added for 2018 and beyond. The Board will finalize revisions to the Strategic Plan stemming from the planning session at its February and March meetings.

The following key 2018 initiatives were identified in advance of the planning session; these will likely be augmented pursuant to Board of Trustees' direction following the results of the planning session:

- Complete the Governance in the Public Interest Taskforce Sub-Entity Review. The Bar will complete this review in 2018.
- Launch the Odyssey Case Management System. The new system will be deployed in 2018.
- Complete a California Job Analysis. As part of the next phase of the Bar's effort to align its administration of the attorney licensing function with best practices, the Bar will conduct a Job Analysis in 2018. The Job Analysis will provide information as to the skills and substantive knowledge most needed by California attorneys within their first five years of practice.
- Develop a Discipline System Funding Methodology Based on Workload Study Results. The Bar will develop a quantitative and objective methodology for advocating for and allocating resources based on workload.
- Implement and Evaluate Case Prioritization. OCTC will fully implement a new case prioritization system. Both the fidelity of the implementation and outcomes will be evaluated.
- Complete Comprehensive Review of the Client Security Fund (CSF). The Bar will complete a study of the CSF to include an analysis of mechanisms to increase funding, the amount of funding needed to facilitate timely payouts, current CSF payout protocols, and process changes that could result in increased efficiency.
- Collaborate on Innovative Bar Passage Initiative. The Bar will partner with a consortium of academics to deploy a psychological intervention for the bar exam designed to address belonging anxieties that can negatively impact performance on high-stakes tests. While this program will be open to all who registered for the exam, we anticipate the program will be especially appealing to, and helpful to, diverse applicants thereby serving our mission to support a diverse profession and justice system.
- Improve Bar Employee Engagement and Development Opportunities. The Bar will continue to invest in employee engagement efforts including through expanded professional development opportunities.

³ The agenda for the 2018 Board planning session is provided as Appendix C.

- Finalize a Set of Discipline System Metrics. The Bar will develop a framework of analysis for the discipline system including measures on customer satisfaction and re-offense of attorneys who have been disciplined by the Office of Chief Trial Counsel. These metrics will be adopted and regularly reviewed to monitor the efficacy of the discipline system.
- Expand Language Access for the Public. The Bar's 2018 budget includes, for the first time, funding to support organization-wide professional translation and interpretation services, reflecting the Bar's commitment to serving *all* of the public. Written legal resources and complaint information in the top six languages used in California (English, Spanish, Chinese, Korean, Vietnamese, and Russian) while live interpretation is provided in over 200 languages.

Full Text of Business and Professions Code 6140.12

The board shall complete and implement a five-year strategic plan to be updated every two years. In conjunction with the submission of the board's proposed final budget as required by Section 6140.1, the president 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.

(Added by Stats. 2011, Ch. 417, Sec. 47. (SB 163) Effective January 1, 2012.)



The State Bar *of California*

Report on 2017 Operational Plan

Implementation of 2017-2022 Strategic Plan



MISSION STATEMENT

The State Bar of California’s mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.

GOAL

1

Successfully transition to the “new State Bar”—an agency focused on public protection, regulating the legal profession, and promoting access to justice.

GOAL

2

Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

GOAL

3

Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

GOAL

4

Support access to justice for all California residents and improvements to the state’s justice system.

GOAL

5

Proactively inform and educate all stakeholders, but particularly the public, about the State Bar’s responsibilities, initiatives, and resources.

GOAL

1

Successfully transition to the “new State Bar”—an agency focused on public protection, regulating the legal profession, and promoting access to justice.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

36 agenda items identified as addressing Goal 1 were presented to the BOT in 2017

OBJECTIVE A

Manage and support the transition of the State Bar Sections to a new standalone entity.

- ✓ Worked closely with Sections to accomplish transition
- ✓ Incorporated the California Lawyers Association
- ✓ MOU negotiated re: terms of separation including transfer of assets, intellectual property, and reserves, collection of CLA membership dues
- ✓ Transferred reserve funds to CLA to fund start-up costs
- ✓ Negotiated services agreement and agreement to lease space

OBJECTIVE B

Determine whether additional State Bar functional areas will transition to the Sections entity, other organizations, or to new standalone entities.

- ✓ Negotiated the transition of insurance and affinity programs to the California Bar Foundation
- ✓ Terminated State Bar’s MOU with CEB

OBJECTIVE C

Implement and pursue governance, composition, and operations reforms needed to ensure that the Board’s structure and processes optimally align with the State Bar’s public protection mission.

- ✓ Submitted the Governance in the Public Interest Taskforce 2017 report to the Legislature
- ✓ Developed anti-trust policy; implemented policy upon direction of the California Supreme Court; trained trustees on anti-trust policy
- ✓ Adopted Trustees Skill Matrix
- ✓ Realigned the executive management of the Bar
- ✓ Adopted Dashboards to provide progress reports on key activities identified by the BOT
- ✓ Revised Board Book to reflect changes in governance structure and responsibilities

OBJECTIVE D

Finalize an updated Mission Statement for the State Bar reflecting programmatic areas remaining after the transition analysis in order to improve the Bar's focus on its public protection and regulatory functions.

- ✓ Adopted new Mission Statement

OBJECTIVE E

Determine the appropriate role of, and Board responsibility for, State Bar Standing Committees, Special Committees, Boards, and Commissions in the new State Bar.

- ✓ Revised the Board committees' charters and structure to ensure alignment with State Bar operations
- ✓ Combined Board committees to better align roles and responsibilities
- ✓ Reduced the number of sub-entities
- ✓ Set timeline for completion of Appendix I review re: sub-entities

Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

8 agenda items identified as addressing the attorney discipline system objectives of Goal 2 were presented to the BOT in 2017

ATTORNEY DISCIPLINE SYSTEM

OBJECTIVE A

Develop and deploy a new case management system for OCTC, SBC, Probation, and Admissions for greater transparency and accountability.

- ✓ Significant ongoing activities including learning the Odyssey project, configuration of Odyssey fields and steps to current and future business processes, data conversion for OCTC, SBC, and Probation
- ✓ RFP for Admissions Information Management System concluded. Vendor selection pending

OBJECTIVE B

Implement Workforce Planning and evaluate the impact of reforms.

- ✓ Workforce planning recommendations implemented. For example, in OCTC:
 - Create new generalized team structure, including administrative staff, headed by supervising attorney
 - Eliminate levels of review
- ✓ Evaluation scheduled for completion and report back to the Board January 2019

OBJECTIVE C

Develop and implement transparent and accurate reporting and tracking of the health and efficacy of the discipline system, to include: (a) completion of a workload study for OCTC and SBC; (b) identification of staffing and resource needs based on the results of that study; and (c) development of new metrics for measuring the effectiveness of the discipline system including any needed revisions to the statutory backlog metric.

- ✓ Time study/weighted caseload analysis performed to determine appropriate caseload levels for staff in OCTC, SBC, and Probation
- ✓ Workload study: High level results to be presented to leadership of involved offices
- ✓ Workload study: Finalizing data cleaning and compilation, creation of draft case weights
- ✓ Workload study: Scheduling focus groups to review draft case weights and process allocation maps
- ✓ Discipline system metrics: simplified and provided more useful metrics to RAD and BOT. Ongoing work with OCTC, SBC, Probation, and CSF to finalize metrics and develop new metrics. Scheduled for completion March 2018
- ✓ Discipline system metrics: exploring with internal and external audiences the way discipline system metrics are reported in the Annual Discipline Report and whether there are opportunities to present additional information / focus on public protection activities
- ✓ Monitoring case processing and timelines for cases in State Bar Court through use of Court Performance Standards (CourTools) utilized by the National Center for State Courts
- ✓ Evaluating and beginning implementation of the requirement that all active attorneys be fingerprinted

ATTORNEY DISCIPLINE SYSTEM

OBJECTIVE D

Develop and implement new attorney MCLE requirements and evaluate their impact and effectiveness.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

8 agenda items identified as addressing the attorney discipline system objectives of Goal 2 were presented to the BOT in 2017

- ✓ Revised MCLE rules to require completion of 10 hours of MCLE in the first year after admission
- ✓ Conducted focus groups to determine appropriate content of 10-hour new attorney training program
- ✓ Contracted with e-learning vendor to consult with the Bar and develop the course material
- ✓ Conducted an orientation, subject matter expert on-boarding sessions, project planning, and design workshops
- ✓ Proposed amendments to law school regulations rules to require 6 units of competency training

OBJECTIVE E

Develop and implement an effective mechanism for ensuring compliance with MCLE requirements.

- ✓ Implemented changes to the MCLE compliance audit process

OBJECTIVE F

Support adequate funding of the Client Security Fund.

- ✓ Efforts to eliminate judgment backlog and ensure that judgments needing renewal are renewed timely
- ✓ Efforts to better track payments to the Bar and evaluate efficacy of collection agencies to collect debt owed to the Bar
- ✓ Beginning planning of analysis due to the Legislature March 2018, of the Bar's oversight of the CSF, the ongoing needs of the fund to satisfy claims in a timely manner, to identify efforts that can be taken to increase the collection from attorneys, and whether other discretionary expenditures can be redirected to better fund the CSF

ADMISSIONS

OBJECTIVE G

Implement the two-day Bar Exam and evaluate results of the new exam on pass rates and costs.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

4 agenda items identified as addressing the admissions related objectives of Goal 2 were presented to the BOT in 2017

- ✓ 2-day exam conducted July 2017. Results released November 17, 2017, reflecting an increased pass rate of 6 percentage points over July 2016
- ✓ Cost savings and pass rate information scheduled for evaluation in December 2017

OBJECTIVE H

Conduct Bar Exam validity and pass line studies to determine whether or not additional changes to exam content, format, administration, or grading are needed, and implement needed changes.

- ✓ Conducted and issued report on recent performance changes on the CBX
- ✓ Conducted and issued report on pass line (cut score), providing 3 options to the Supreme Court for setting the pass line
- ✓ Conducted and issued report on content validity, confirming the current scope of subjects and skills tested on CBX align with the KSAs expected of entry level attorneys
- ✓ Conducting study on law school bar exam performance
- ✓ Set as next steps a California-specific job analysis and a revised content validation study

OBJECTIVE I

Review special admissions rules to determine whether changes are needed, and implement needed changes.

- ✓ Working group composed of Programs Committee members and staff assigned to develop amendments to MJP and other special admissions rules in 2018

UNAUTHORIZED PRACTICE OF LAW

OBJECTIVE J

Monitor improvements in the response to complaints regarding the unauthorized practice of law through tracking and reporting on complaints received, investigation timelines, civil filings, and law enforcement referrals.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

0 agenda items identified as addressing the UPL objectives of Goal 2 were presented to the BOT in 2017

- ✓ Initiated monitoring of NA/UPL caseload of attorneys and investigators
- ✓ Initiated monitoring of weekly and annual NA/UPL dispositions
- ✓ Ensured access to statistics regarding the number of cease and desist letters sent
- ✓ Initiated monitoring of NA/UPL cases in intake, investigation, and civil filing stages, including capturing if matter relates to immigration practices
- ✓ Initiated tracking of benchmark timeframes for intake, investigation, and civil filing cases
- ✓ Initiated early and enhanced referrals of cases to law enforcement and tracking of law enforcement referrals
- ✓ Developed NA/UPL report to track and report information on unauthorized practice of law cases. Report to be run and distributed monthly
- ✓ Working to refine NA/UPL measures, in particular the tracking of law enforcement referrals

OBJECTIVE K

Partner with law enforcement agencies to create a coordinated regional response to the unauthorized practice of law.

- ✓ Attend various meetings with law enforcement agencies including:
 - Immigration summits in San Diego County
 - Vietnamese Lawyers' Association in Orange county
- ✓ Working with SD County DA to develop ongoing outreach to vulnerable victims
- ✓ Working with US Attorney for the Eastern District to coordinate on NA/UPL issues

Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

22 agenda items identified as addressing Goal 3 were presented to the BOT in 2017

OBJECTIVE A

Implement an updated Classification and Compensation structure reflecting the results of classification and compensation analyses completed in February 2017.

- ✓ Implemented classification and compensation recommendations re: supervising attorney; confidential employees and executive employees
- ✓ Engaged in grievance and fact finding in response to proposal to implement public service representative classification and compensation recommendations
- ✓ Ongoing labor negotiations re: implementation of additional classification and compensation recommendations

OBJECTIVE B

Improve productivity through performance accountability, training, and professional development.

- ✓ Hired dedicated training resource in HR
- ✓ Streamlined and improved employee orientation and onboarding, including New Hire intranet page and resources
- ✓ Developed and delivered supervisor/manager training; deployed Supervisor/Manager intranet page and resources
- ✓ Conducted training survey to determine training needs for staff
- ✓ Deployed online e-learning platform to provide online content available to employees 24/7 to supplement instructor-led offerings

OBJECTIVE C

Improve staff morale and career satisfaction through recognition of performance, career path development and transparent and collaborative communication.

- ✓ Developing formal training and development program
- ✓ Developing training for career path development (to be delivered in 2018)
- ✓ All OCTC staff surveyed to indicate interest in rotational assignment opportunities

OBJECTIVE D

Reallocate funds to support the discipline system based on expenditure review, revenue enhancement measures, implementation of the Bar’s reserve policy, and other reengineering efforts.

- ✓ Adoption of final 2017 budget; adoption of preliminary 2018 budget reflecting increased expenditures for OCTC
- ✓ Adopted proposal to increase MCLE and Legal Specialization Provider Accreditation fees

OBJECTIVE E

Develop outcome and performance accountability metrics for assessing organizational and service effectiveness throughout the Bar.

- ✓ Implemented Access and Fairness Survey assessing service provided by OCTC, focusing on procedural fairness
- ✓ Developed/focused on key outcome metrics for the CSF program

OBJECTIVE F

Implement the 2017-2020 technology plan.

- ✓ Completed cybersecurity audit
- ✓ Completed web re-design project
- ✓ Development of electronic signature capacity
- ✓ Deployed agency billing for 2017 fees
- ✓ Board authorized procurement of the Oracle Fusion solution to update the Enterprise Resource and Planning System
- ✓ Transitioning technology related systems needed for a smooth transition of the Sections to the California Lawyers Association

OBJECTIVE G

In conjunction with annual budgets, ensure maintenance and use of the Bar's Los Angeles and San Francisco buildings to maximize benefit to the Bar and the people of California.

- ✓ Ongoing implementation of 180 Howard Street Capital Improvement Program, including security access system upgrade, partial fire/life safety system replacements, and energy management system front end replacement. Further plans include upgrades to elevators, HVAC, electrical and plumbing systems, and fire/life safety systems
- ✓ Lease pending for 11th floor in San Francisco building
- ✓ Leased space for LAP offsite to remove concerns associated with LAP offices located in the State Bar building
- ✓ Developed plans to reconfigure LAP space in LA to support additional attorney resources for OCTC
- ✓ Board approved funding for reconfiguration of LAP space in LA and HR space in SF to support OCTC expansion

OBJECTIVE H

Pursue a two-year fee bill to ensure a balance between accountability and meaningful implementation of important reforms.

- ✓ Initially sought a 2-year fee bill covering fees due in 2018 and 2019. Required to revise to a single year fee bill

Support access to justice for all California residents and improvements to the state's justice system.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

3 agenda items identified as addressing Goal 4 were presented to the BOT in 2017

OBJECTIVE A

Support increased funding and enhanced outcome measures for Legal Services.

- ✓ Ongoing exploration with LAAC and others to identify state agencies receiving federal funding that can be granted to legal services providers
- ✓ Working with banks to increase the yield on IOLTA accounts
- ✓ Working with legal services providers to collect data to document the economic benefits of funding to legal services providers
- ✓ Provide district-specific information for legislators

OBJECTIVE B

Study and implement improved programmatic approaches to increasing access to justice.

- ✓ Following a convening of legal services providers, working to develop an online referral platform for pro bono attorneys
- ✓ Exploring ways to educate and support law students in pro bono activities and to orient and train new pro bono attorneys
- ✓ Partner with legal services organizations serving constituents impacted by Northern California wildfires; provide online resources and pamphlets; provide hotline; recruiting pro bono attorneys to staff the hotline; educate individuals on what to expect of a lawyer and how to ensure they are working with a licensed lawyer; educate attorneys on their responsibilities; issued a fraud alert in 3 languages for victims of the wildfires
- ✓ Perform legal research as a precursor to implementation of a “built in, not bolted on” approach to diversity and inclusion issues with the goal of better integrated diversity and inclusion throughout the work of the Bar

Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.

2017 ACTIVITIES IN FURTHERANCE OF GOALS AND OBJECTIVES

1 agenda item identified as addressing Goal 5 was presented to the BOT in 2017

OBJECTIVE A

Develop and implement a Communication Strategy Plan for timely and effective external and internal communication about public protection goals, objectives, and accomplishments.

- ✓ Development (ongoing) of internal communications plan
- ✓ 3 Legislative Newsletters distributed in 2017; plans for improvements in 2018, including regular attention to grants to legal services organizations and access to justice activities in legislative districts and general news of interest to all legislators
- ✓ Implemented broader dissemination of attorney discipline information to the press and the public (resulted in more widespread and more coverage of attorney discipline)
- ✓ Regular meetings with OCTC and Communications to strengthen external communications about attorney discipline

OBJECTIVE B

Develop metrics for assessing efficacy of communication and stakeholder engagement efforts and use those metrics to inform modifications to strategy.

- ✓ Communications dashboard developed to report on number of press releases and other pro-active outreach to reporters; news stories about the State Bar; number of legislative newsletters sent; website metrics, and social media reach and engagement metrics

OBJECTIVE C

Redesign the State Bar website to improve access, legibility, and utility for all stakeholders.

- ✓ State Bar website, phase I completed. Ongoing review occurring. Planned future updates include Board and Committee meetings pages

OBJECTIVE D

Partner with legal service providers and others to educate vulnerable populations regarding the problem of unauthorized practice of law and ways that individual issues can be addressed.

- ✓ Partnered with legal services organizations to get information out to victims of Northern California wildfires re: unauthorized practice of law
- ✓ Attend UPL meetings, workshops in communities
- ✓ Attend immigration services workshops
- ✓ Participating in outreach activities with legal services providers and law enforcement
- ✓ Working to develop detention center education programs

OBJECTIVE E

Maintain and enhance relationships with other regulatory and enforcement agencies that share a mission of public protection.

- ✓ Working with regulatory and law enforcement agencies to educate the public about the legal system and attorney discipline
- ✓ See activities related to NA/UPL

OBJECTIVE F

Improve transparency by increasing the availability of meeting materials and expanding upon existing mechanisms for regular communication with the Supreme Court, Legislature, Governor's Office, and the public.

- ✓ Instituted Board created requirement to post Board materials 5 days in advance of Board meetings
- ✓ Track compliance with requirement for posting meeting materials on dashboard reports
- ✓ Include Board of Trustee, Board Committee, and sub-entity meetings on the public calendar available on the website
- ✓ Created the position of Chief of Mission Advancement and Accountability with oversight responsibilities for governmental affairs, including communications with the Legislature and Governor's office, as well as serving as liaison to the Supreme Court in support of the efforts of the Executive Director

LIST OF ACRONYMS & ABBREVIATIONS

BOT - Board of Trustees

CBX - California Bar Exam

CEB - Continuing Education of the Bar

CLA - California Lawyers Association

CSF - Client Security Fund

IOLTA - Interest on Lawyers' Trust Accounts

KSAs - Knowledge, Skills, and Abilities skills

LAAC - Legal Aid Association of California

LAP - Lawyer Assistance Program

MCLE - Minimum Continuing Legal Education

MJP - Multijurisdictional Practice

MOU - Memorandum of Understanding

NA/UPL - Non-Attorney Unauthorized Practice of Law

OCTC - Office of Chief Trial Counsel

RAD - Board Committee on Regulation, Admissions and Discipline

RFP - Request for Proposal

SBC - State Bar Court

UPL - Unauthorized Practice of Law



The State Bar
of California

www.calbar.ca.gov

THE STATE BAR OF CALIFORNIA
Notice and Meeting Schedule
January 25-27, 2018
845 S. Figueroa Street, Board Room, 2nd Floor
Los Angeles, CA
(213) 765-1000

Pursuant to Business and Professions Code § 6026.7 and Government Code § 11125, notice is hereby given of the following regular meeting of the Board of Trustees of The State Bar of California, and the meetings of the Board Committees of The State Bar of California. All times stated and the order of business are approximate and subject to change. Meetings of committees and items scheduled for a particular day may be moved to an earlier or later day to run an effective meeting.

Thursday, January 25, 2018

	<u>ADMISSIONS and DISCIPLINE SYSTEM TRAINING</u>
10:00 a.m. – 10:15 a.m.	Introduction
10:15 a.m. – 12:15 p.m.	Office of Admissions
12:15 p.m. – 12:30 p.m.	<i>LUNCH</i>
12:30 p.m. – 2:30 p.m.	Office of Chief Trial Counsel
2:30 p.m. – 2:40 p.m.	Complaint Review Unit
2:40 p.m. – 3:10 p.m.	State Bar Court
3:10 p.m. – 3:20 p.m.	Lawyer Assistance Program
3:20 p.m. – 3:30 p.m.	Probation
3:30 p.m. – 3:45 p.m.	Client Security Fund
	BOARD COMMITTEE MEETING
4:00 p.m. – 4:30	Audit Committee Meeting (See Agenda on State Bar website)

Friday, January 26, 2018

	STRATEGIC PLANNING SESSION
7:30 a.m. – 8:30 a.m.	<i>BREAKFAST</i>
8:30 a.m. – 10:00 a.m.	Update on State Bar Activities in Furtherance of Strategic Plan
10:00 a.m. – 10:15 a.m.	<i>BREAK</i>
10:15 a.m. – 11:45 a.m.	Panel I: Improving Employee Morale and Career Satisfaction
11:45 a.m. – 12:30 p.m.	Discussion: Identify Panel I Related Goals and Develop Objectives
12:30 p.m. – 1:00 p.m.	<i>LUNCH</i>
1:00 p.m. – 3:00 p.m.	Panel II: The Future of Access to Justice
3:00 p.m. – 3:15 p.m.	<i>BREAK</i>
3:15 p.m. – 4:15 p.m.	Panel II: The Future of Access to Justice (Continued)
4:15 p.m. – 5:00 p.m.	Discussion: Identify Panel II Related Goals and Develop Objectives

Saturday, January 27, 2018

	STRATEGIC PLANNING SESSION (Continued)
8:00 a.m. – 9:00 a.m.	<i>BREAKFAST</i>
9:00 a.m. – 10:00 a.m.	Panel III: Preventing Harm to Clients / Pro-active Regulation-Based Management
10:00 a.m. – 10:45 a.m.	Discussion: Identify Panel III Related Goals and Develop Objectives
	BOARD COMMITTEE MEETING
11 a.m. – 11:30 a.m.	Board Executive Committee Meeting (See Agenda on State Bar website)
11:30 a.m. – 11:45 a.m.	<i>LUNCH</i>
	BOARD MEETING
11:45 a.m. –	Board of Trustees Meeting (See Agenda on State Bar website)