

BOARD COMMITTEE ON REGULATION AND DISCIPLINE CHARTER

(Amended by the Board of Governors, August 26, 2000)

§ 1. Discipline: Areas of Responsibility

- a. The Board of Governors looks to the board committee for recommendations in certain matters on which the board itself is required to act. For example, appointment and reappointment of pro tempore judges to the State Bar Court; appointment and reappointment of probation monitors to the Probation Department, Office of the Chief Trial Counsel; appointment and reappointment of Discipline Audit Panel members.
- b. Further, by statute (Bus. & Prof. Code 6086), the Board of Governors is authorized to provide by rule the procedures to be followed in disciplinary matters. Accordingly, the board also looks to the board committee for recommendations regarding adoption of the Rules of Procedure of the State Bar.
- c. The board committee may discuss substantive proposals regarding the disciplinary process.
- d. The board committee has been authorized by the board pursuant to certain Rules of Procedure of the State Bar to perform various functions in connection with the operation of the State Bar Court. For example, waiving compliance with the rule that otherwise precludes certain persons from representing a party before the State Bar Court.

(Source: Board of Governors' Resolution, October 1986.)

§ 2. Admissions: Areas of Responsibility

- a. The board committee has oversight responsibility relative to the admission and certification of lawyers to practice law in the State of California. Specifically, the board committee has oversight responsibility of the Committee of Bar Examiners and the Office of Admissions in matters relating to educational standards and requirements (except for continuing legal education), examination standards and requirements, moral character and fitness to practice law standards and requirements and such other matters as may, from time-to-time come before it.
- b. The board committee shall make recommendations to the full board concerning the promulgation and revision of statutes and rules in the following areas:
 - i. Sections 6060 through and including 6066 of the Business and Professions Code and related statutes governing the examination committee;

- ii. Approval of the Rules Regulating Admission to Practice Law in California;
 - iii. Rules of Procedure pertaining to proceedings for hearing and review of moral character and fitness to practice law determinations in the State Bar Court; and
 - iv. Rules of general application pertaining to the further examination and certification of attorneys already admitted to practice in California (not including legal specialization).
- c. The board committee shall make recommendations to the board re adoption, enactment or amendment of rules of statutes which created limited areas of practice of law by those not admitted generally to practice law in California; provided that the board committee shall initially consider proposed revisions to rules re Counsel Pro Hac Vice and Foreign Legal Consultants, California Rules of Court, and that the board committee shall initially consider proposed revisions to the Rules Governing the Practical Training of Law Students.

Source: Board of Governors' Resolution, October 1986, June 1988.)

§3. Certification and Competence: Areas of Responsibility

This committee makes reports and recommendations to the board concerning the promulgation and revision of professional standards related to the State Bars statutory duties and historic function to assist the Supreme Court in regulating the legal profession; specifically, these include:

- a. Law Corporations: State Bar Act, article 10 (Bus. & Prof. Code " 6160, et seq.) and Law Corporations Rules of the State Bar of California.
- b. Legal Specialization: The State Bar of California Program for Certifying Legal Specialist ("The Program"), Rules and Regulations of the Program, Standards for Certification and Recertification of Specialists, and Policies Governing the Program. The board committee shall have the authority to consider and act upon Applications for Accreditation of Specialty Certification Programs for Attorneys.
- c. Professional Responsibility and Conduct: California statutes or Court Rules respecting the professional duties and obligations of members of the bar and others practicing law in California, Rules of Professional Conduct of the State Bar of California, publication of advisory ethics opinions, and Rules of Procedure of the Committee on Professional Responsibility and Conduct.
- d. Unauthorized Practice of Law: State Bar Act, article 7 (Bus. & Prof. Code, 6125, et seq.), Rules of Procedure or other standards which have an impact either on professional standards for attorneys or the unauthorized practice of law; provided that this committee shall initially consider proposed revisions to the Rules Governing the Practical Training of Law Students and the board committee shall initially consider proposed revisions to rule 983 (Counsel Pro Hac Vice) and rule 988 (Foreign Legal Consultants), California Rules of Court. This committee shall make

recommendations to the board re adoption, enactment or amendment of rules or statutes which create other limited areas of practice of law by those not admitted generally to practice law in California.

(Source: Board of Governors' Resolution, October 1986, June 1988, April 1996.)

§4. Recommendation for Appointments

The committee makes recommendations for board appointment of members to the Committee of Bar Examiners, Law School Council, and other State Bar entities as designated by the president.

(Source: Annual Board of Governors' Resolutions, October 1986, June 1988, March 1992.)

§5. Mandatory Fee Arbitration

- a. The board committee is responsible for receiving reports and making recommendations to the board on the:
 - i. State Bar Act, article 13 (Bus. & Prof. Code 6200, et seq.) and other rules, regulations and codes related to attorney fees, fee agreements and fee arbitration;
 - ii. Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration Programs and forms required for the statewide program;
 - iii. Rules of Procedure for Fee Arbitrations and the Enforcement of Awards by the State Bar of California; and
 - iv. Sample written fee agreement forms.
- b. The committee has the authority to find local bar association fee arbitration programs in compliance with the State Bar Minimum Standards for Mandatory Fee Arbitration Programs, provided that the finding is unanimous. When the recommendation is not unanimous and dissent is registered, the matter of whether a local bar association fee arbitration program is in compliance with the State Bar minimum standards shall be referred to the full board.

(Source: Board of Governors' Resolution, April 1995.)

§ 6. Client Security Fund

The committee has oversight responsibility for the general operations of the Client Security Fund Commission, including:

- a. Approval of its Rules of Procedure; and
- b. Consideration of policy matters that impact the functions of the Commission.