

AGENDA ITEM

July 2007
MOC Agenda Item: III.G

Date: June 27, 2007

To: Members of the Board Committee on Member Oversight

From: The Oversight Committee of the Lawyer Assistance Program

Re: Proposed Revision to Section 3, paragraph (C) of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program (Eligibility Criteria) – Request for Public Comment

Executive Summary

The Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program (“Rules”) do not define a prescribed length of assistance. Eligibility for assistance is determined initially and reviewed annually by the LAP Oversight Committee. Once approved by the Committee, participants in the Plan are deemed eligible for assistance until their status is reviewed by the Committee. This procedure requires that Plan participants be contacted annually and requested to submit updated financial information.

The Oversight Committee is proposing that Section 3 of the Rules be revised to make the initial approval for assistance time-limited. Participants requesting assistance beyond the term of the initial approval would need to reapply and provide justification for continued assistance. Failure to reapply would result in automatic termination of assistance.

The Member Oversight Committee is being asked to authorize the circulation of this proposal for a shortened public comment period of thirty (90) days, pursuant to §4 of the Procedure for Adoption, Amendment or Repeal of State Bar Regulations.

ISSUE

Should the Committee authorize the circulation of the proposed modifications to Section 3, paragraph (C) of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program (“Rules”) for a ninety (90) day period of Public Comment?

BACKGROUND

The Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program ("Rules") do not define a prescribed length of assistance. Eligibility for assistance is determined initially and reviewed annually by the LAP Oversight Committee. Once approved by the Committee, participants in the Plan are deemed eligible for assistance until their status is reviewed by the Committee. This review results in assistance either continuing or ending because the participant no longer meets the Plan eligibility criteria. This review procedure requires that Plan participants be contacted annually and requested to submit updated financial information. Failure to comply with multiple rounds of written requests for updated financial statements results in termination of assistance.

The Oversight Committee is proposing that Section 3 of the Rules be revised to make the initial approval for assistance time-limited. Participants would be sent a written notification that their assistance is due to expire within 120 days. Those participants requesting assistance beyond the term of the initial approval would need to reapply and provide justification for continued assistance. Failure to reapply would result in automatic termination of assistance.

SUMMARY OF PROPOSAL

If Section 3 is modified as proposed, eligibility for assistance from the LAP Financial Assistance Plan will be granted on a time-limited basis. Those participants requesting assistance beyond the term of the initial approval will need to reapply and provide justification for continued assistance. Failure to reapply will result in automatic termination of assistance.

FISCAL AND PERSONNEL IMPACT

It is anticipated that this proposal would reduce the amount of LAP staff time devoted to seeking periodic financial statements from Plan participants.

LENGTH OF PUBLIC COMMENT PERIOD

The Member Oversight Committee is being asked to authorize the circulation of this proposal for a shortened public comment period of thirty (90) days, pursuant to §4 of the Procedure for Adoption, Amendment or Repeal of State Bar Regulations.

BOARD BOOK IMPACT

None.

RULE AMENDMENT

The proposed change would modify Section 3, paragraph (C) of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program.

STRATEGIC IMPACT

None.

RECOMMENDATION

The LAP Oversight Committee recommends that the proposed modification of Section 3 in the form attached hereto as Exhibit A, be circulated for public comment for a period of ninety (90) days. If the members of the Board Committee concur with the Oversight Committee's recommendation, it should adopt the following resolution:

RESOLVED, that the Board Committee on Member Oversight authorizes the proposed modification of Section 3, paragraph (C) of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program, in the form attached hereto as Exhibit A, to be circulated for public comment for a period of ninety (90) days, as provided for by § 4 of the Procedure for Adoption, Amendment or Repeal of State Bar Regulations.

Exhibit A

Proposed Amendments to Section 3 of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program

(C) The Committee will have the right by which to approve, deny, or condition any Application, and to determine the veracity of all statements therein. The Committee shall have discretion to determine the length of an approval for assistance. No less than sixty (60) days prior to the expiration of that approval, Applicants desiring an extension of the term of their approval for assistance shall submit a written request and justification along with updated tax returns or other similar income verification.