

AGENDA ITEM

NOVEMBER 54-133

Proposed Revisions to Section 3, paragraph (C) of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program - Return from Public Comment

DATE: October 19, 2007

TO: Members of the Board Committee on Member Oversight
Members of the Board of Governors

FROM: Richard Carlton
Lawyer Assistance Program

SUBJECT: Proposed Revisions to Section 3, paragraph (C) of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program (Eligibility Criteria) - Return From Public Comment

ATTACHMENT: Exhibit A: Proposed Amendment to Section 3 of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program

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 the Committee reviews their status. 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 proposed changes came before this Board Committee on July 20, 2007. The Board Committee approved them and directed that they be distributed for public comment for a period of ninety days. The public comment period ended on October 31, 2007. No public comment was received. It is now appropriate for the Board of Governors to approve the proposed revisions to Section 3. Board members with questions or concerns may contact Richard Carlton, 415/538-2355 or richard.carlton@calbar.ca.gov

ISSUE

Should the Board of Governors of the State Bar of California amend Section 3 of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program to change the criteria for determining eligibility for assistance from the Plan?

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 the Committee reviews their status. 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.

REPORT OF PUBLIC COMMENTS RECEIVED

No public comment was received on this proposed Rule revision.

EFFECTIVE DATE OF PROPOSAL

The proposed revision would take effect immediately.

FISCAL IMPACT

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

BOARD BOOK/ADMINISTRATIVE MANUAL IMPACT

None.

RECOMMENDATION

The Oversight Committee of the Lawyer Assistance Program recommends that the proposed modification to Section 3, in the form attached hereto as Exhibit A, be approved.

PROPOSED BOARD COMMITTEE RESOLUTION

Should the Board Committee on Member Oversight agree with the proposed recommendation, adoption of the following resolution would be appropriate.

RESOLVED, following publication for comment and no comments having been received, that the Board Committee on Member Oversight recommends that the Board of Governors of the State Bar of California amend Section 3 of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program, to read as set forth in the attached Exhibit A; and that the modifications be effective immediately.

PROPOSED BOARD RESOLUTION

RESOLVED, following publication for comment and no comments having been received, and upon the recommendation of the Board Committee on Member Oversight, that the Board of Governors of the State Bar of California hereby amends Section 3 of the Rules Governing the Financial Assistance Plan of the State Bar of California Lawyer Assistance Program, to read as set forth in the attached Exhibit A; and that the modifications be effective immediately.