

Board Committee on Operations  
Referral List  
November 8, 2007

Category I – Change in Date Only

November # 1

**Proposed amendments to Rule 9.30 (formerly Rule 957), California Rules of Court, re Registration of Unaccredited and Correspondence Law Schools**

So that the current Rule 9.30 is not in conflict with the new registration rules for unaccredited and correspondence law schools, which were previously approved by the Board for implementation January 1, 2008, proposed amendments to Rule 9.30 must be approved, circulated for public comment, and forwarded to the Court. Consideration of this proposal has been delayed to ensure that the proposed amendments conform with new protocols relative to consideration of proposed court rules amendments by the Court.

Responsible Staff: Gayle Murphy

**Recommendation:** RAD - ~~July/Nov 07~~ **May/Nov 08** BOG- ~~Nov~~ **Nov 08**

November # 2

**Modification of "Notice of Your Rights After Arbitration Form"-- Request for Adoption following Public Comment**

This item is currently out for public comment that will be completed near the end of October. The MFA committee will still need to review the document in light of public comment, so it is requested that this item be moved to March.

Responsible Staff: Jill Sperber

**Recommendation:** RAD- ~~July/Nov~~ **Mar** BOG-~~Nov~~ **Mar**

November # 3

**Proposed Amendments to Rules of regarding the State Bar Court's Alternative Discipline Program. (Rules of Procedure of the State Bar of California 800 - 807). Request for Release for Public Comment**

The item returns to the committee after an initial proposal was returned to staff for further development.

Responsible Staff: Scott Drexel

**Recommendation:** RAD – ~~May~~ **Dec/Mar** BOG: ~~TBD~~ **Mar**

November # 4

**Proposed Amendments to the Rules governing the State Bar of California program for certifying Legal Specialists – Return from public comment**

The Board of Legal Specialization, which must review the comment before making its recommendation, will not be meeting until November 30.

Responsible Staff: Phyllis Culp

**Recommendation:** MOC: May 07/~~Nov~~**March**

**BOG:** ~~Nov~~**March**

November # 5

**Revisions to the Membership List Policy- Further Amendments to be Sent Out for Additional Public Comment**

This item went out for public comment after the March 2007 meeting. Following public comment further amendments have been made. The item will be available for additional public comment for a 30-day period.

Responsible Staff: Starr Babcock

**Recommendation:** MOC - Mar 07/~~NOV-07~~**March/July 08** **BOG - July 08**

Category II – Possible Committee Reassignments

Category III – New Matters Requiring Assignment to the Appropriate Board Committee

November # 6

**2008 Fees for Inactive Membership and for MCLE Noncompliance and Reinstatement from MCLE Inactive Enrollment**

At your July meeting, the Board of Governors approved the annual membership fees, the amount of penalties for delinquent membership fees, and other fees and charges for 2008. These fees and charges appear in the State Bar's Schedule of Charges and Deadlines. This agenda item recommends approval of revised inactive membership fees and of MCLE noncompliance fees and reinstatement fees for 2008. The approved fee amounts will be included in the State Bar's Schedule of Charges and Deadlines.

Responsible Staff: Ray Farrish

**Recommendation:** **Planning – Nov**

**BOG – Nov**

November # 7

**Investment Subcommittee Appointment**

Appointment of Investment Advisory Subcommittee to review Investment Policy.

Responsible Staff: Peggy Van Horn

**Recommendation:** **Planning – Nov**

**BOG - Nov**

November # 8

**Proposed Schedule of Charges and Deadlines for the Accreditation of Law Schools in California**

This item will contain proposed adjustments to the schedule of fees charged for the accreditation of law schools in California, which will have been adopted in principle by the Committee of Bar Examiners, subject to the approval of the Board of Governors. These fees will be adjusted to conform to the fees charged for unaccredited law school registration and to reflect increases and changes to the cost of the accredited law school program.

Responsible Staff: Gayle Murphy

**Recommendation: Planning (Action)/RAD (Info)- July      BOG- July**

November # 9

**Proposed Schedule of Charges and Deadlines for Unaccredited Law School Registration**

This item contains the proposed schedule of Charges and Deadlines for the registration of unaccredited law schools in California, which have been adopted in principle by the Committee of Bar Examiners, subject to the approval of the Board of Governors. These fees will partially pay for the new unaccredited law school registration program, which, by law, is scheduled to go into effect January 1, 2008.

Responsible Staff: Gayle Murphy

**Recommendation: Planning (Action)/RAD (info)- Nov      BOG- Nov**

November # 10

**Approval of new rules of procedure for fee arbitrations for the No. Santa Barbara Bar Association**

Proposed new rules of procedure are based on the State Bar's Model Rules of Procedure for Fee Arbitrations.

Responsible Staff: Jill Sperber

**Recommendation: RAD- Nov      BOG- Nov**

November # 11

**Approval of new rules of procedure for fee arbitrations for the Santa Monica Bar Association**

Proposed new rules of procedure are based on the State Bar's Model Rules of Procedure for Fee Arbitrations.

Responsible Staff: Jill Sperber

**Recommendation: RAD- Nov      BOG- Nov**

November # 12

**Approval of proposed revisions to rules of procedure for fee arbitrations for the Contra Costa County Bar Association**

Proposed revisions to the local bar's rules of procedure are made to comply with recent changes to the State Bar's Guidelines and Minimum Standards for the Operation of Mandatory Fee Arbitration programs.

Responsible Staff: Jill Sperber

**Recommendation: RAD- Nov**

**BOG- Nov**

November # 13

**Recommendations re Resignations of attorneys who have disciplinary charges pending**

At the July RAD/Board meeting, an interim process was approved that required resignations of attorneys who have resigned with disciplinary charges pending to be reviewed by OCTC. If one or more of the factors set forth in rule 657 of the Rules of Procedure appears to be present, the RAD Committee and the Board of Governors must review the resignation to determine if they agree with OCTC's recommendation as to whether the resignation should be recommended to the Supreme Court for acceptance or rejection. This item will allow RAD and the Board to review the individual affected resignations.

Responsible Staff: Scott Drexel

**Recommendation: RAD - Nov/ongoing**

**BOG - Nov/Ongoing**

November # 14

**Proposal for Handling Resignations of attorneys who have disciplinary charges pending**

In July, the RAD committee and the BOG approved an emergency rule change to address, on an interim basis, the Board's consideration of resignations with disciplinary charges pending. This item proposes amendments to the California Rules of Court and the Rules of Procedure of the State Bar of California for a more permanent process for considering resignations with disciplinary charges pending.

Responsible Staff: Scott Drexel

**Recommendation: RAD- Nov/Mar**

**BOG- Mar**

November # 15

**Proposed Amendments to Rules Regulating Admission to Practice Law in California to extend the time for a positive moral character determination**

The Committee of Bar Examiners is considering whether to extend the time that a positive moral character determination is valid. If the Committee determines that it should be extended, a proposed amendment to Rule X of the Rules Regulating Admission to Practice Law in California to extend the validity time

period from two years to three years would be order for review by the Board, subsequent to a public comment period and adoption by the Committee.

Responsible Staff: Gayle Murphy

**Recommendation: RAD- March/July**

**BOG- July**

November # 16

**Proposed Amendments to Rules Regulating Accreditation of Law Schools in California to update the requirements and conform them to State Bar rules standards**

The Committee of Bar Examiners will be reviewing the Rules Regulating the Accreditation of Law Schools in California and proposing amendments to those rules to update the requirements and conform the language to the new State Bar rules standards, which must be approved by the Board subsequent to a public comment period and adoption by the Committee.

Responsible Staff: Gayle Murphy

**Recommendation: RAD- March/July**

**BOG- July**

November # 17

**Decision Not to Release Bar Examination Applicant Data**

The Committee of Bar Examiners will provide a written and oral report to the Board Committee on its decision not to release confidential bar examination applicant data to Prof. Richard Sander's Research Team. Sander's Research Team sought confidential information from the Committee concerning applicants' gender, race, law school grades, LSAT scores and bar examination performance, which was collected from bar applicants, law schools and the LSAC with the understanding that it would be used for the purpose of Committee studies related to the bar examination. Following consideration of the Committee's report, the Board Committee will recommend to the Board whether the decision should be revisited. This item was preliminarily heard by the Board Committee on Operations at its September 19 conference call and it was determined to bring it to a Board Committee in November after the Committee of Bar Examiners meeting. It is recommended that it be referred to RAD.

Responsible Staff: Gayle Murphy

**Recommendation: RAD- Nov**

**BOG- Nov**

November # 18

**Proposed Amendments to the Rules of Procedure of the State Bar to allow parties participating in State Bar Court proceedings to use the California Judicial Council subpoena forms**

The proposed amendments would allow parties participating in State Bar Court proceedings the option of using the Judicial Council form subpoenas. The proposed amendments would also explain which rules would apply if there is a conflict between the rules of procedure and other statutory laws.

Responsible Staff: Colin Wong  
**Recommendation: RAD- Nov/Mar**

**BOG- Mar**

November # 19

**2007 Young Lawyer Spring Summit Report and Recommendations-  
Request for Public Comment**

This is the draft report and recommendations from the consultant helping to plan and present the June 2007 Young Lawyer Summit, which was presented to gather input from a diverse group of invited attendees on the needs of young lawyers. This item will also provide staff recommendations and may ask for approval to distribute the draft report and recommendations for a 45-day public comment period. The results of the public comment and recommendations will be brought back to the board for its May 2008 Meeting.

Responsible Staff: Patricia Lee, Carol Madeja

**Recommendation: MOC March/May 2008**

**BOG -May**

November # 20

**Approval of Bank of America Affinity Agreement**

Description: B of A submitted a proposal to offer the following categories of financial services and products IOLTA Deposit Accounts; Merchant Services; Consumer Checking, Savings and Debit Card Accounts; Consumer Real Estate Products, Small Business Banking Products.

Responsible Staff: Starr Babcock

**Recommendation: MOC - Nov**

**BOG - Nov**

November # 21

**Proposed Revision to Section 6, paragraph (C) of the Rules Governing the  
Financial Assistance Plan—Amount Loaned for Outpatient Therapy –  
Request for Public Comment**

The LAP Oversight Committee is recommending that the rules governing the Plan be amended to cap the amount loaned by the Plan for outpatient therapy at \$100 per session. This item will go out for a 30-day period public comment and return to MOC at its March 2008 Meeting

Responsible Staff: Janis Thibault/ Richard Carlton

**Recommendation: MOC - Nov/March**

**BOG - March**

November # 22

**Proposed Revision to Section 7 of the Rules Governing the Financial  
Assistance Plan—Installment Payments for Delinquent Debt – Request for  
Public Comment**

The LAP Oversight Committee is recommending that rules governing the Plan be amended to allow loans that are immediately due and payable to be paid in

installments. This item will go out for a 30-day period public comment and return to MOC at its March 2008 Meeting

Responsible Staff: Janis Thibault/ Richard Carlton

**Recommendation: MOC - Nov/March BOG - March**

November # 23

**Proposed Addition of Section 13 to the Rules Governing the Financial Assistance Plan—Loans to Returning Participants – Request for Public Comment**

The LAP Oversight Committee is recommending that rules governing the Plan be amended to allow attorneys returning to participate in the LAP to consolidate existing debt into a new loan. This item will go out for a 30-day period public comment and return to MOC at its March 2008 Meeting

Responsible Staff: Janis Thibault/ Richard Carlton

**Recommendation: MOC - Nov/March BOG - March**

November # 24

**Family Law Section Executive Committee, Interim Appointment of Member**

This section executive committee has a new vacancy and has requested that the Board fill the vacancy at the first business meeting of 2007-2008.

Responsible Staff: Pam Wilson, Susan Orloff

**Recommendation: VIC – Nov BOG – Nov**

November # 25

**Committee on Professional Responsibility and Conduct, Interim Appointment of Member**

This standing committee has a new vacancy and has requested that the Board fill the vacancy at the first business meeting of 2007-2008.

Responsible Staff: Randall Difuntorum, Mark Taxy, Lauren McCurdy

**Recommendation: VIC – Nov BOG – Nov**

November # 26

**Legal Services Trust Fund Commission, Interim Appointment of Member**

This commission has one unfilled public-member vacancy and has requested to fill the position at the November meeting.

Responsible Staff: Stephanie Choy and Denise Teraoka

**Recommendation: VIC – Nov BOG – Nov**

