

The State Bar of California  
FY 2009 Committee on Appellate Courts Work Plan

<b>BACKGROUND</b>
<b>Sub-entity Name:</b> Committee on Appellate Courts
<b>Chair:</b> Blair W. Hoffman
<b>State Bar Staff:</b> Saul Bercovitch, Staff Attorney
<b>Date:</b> January 31, 2008
<p><b>Sub-entity Background:</b> The Committee on Appellate Courts is composed of sixteen attorneys appointed by the Board of Governors. Its members may be drawn from such diverse sources as law firms, solo practitioners, defense and prosecution offices handling criminal appeals, appellate court research staff, and law school faculty. The subject area of the committee concerns appellate court operation and appellate practice. In furtherance of the administration of justice, the charge of the committee is as follows:</p> <ul style="list-style-type: none"><li>a. Analyze, report to the Board of Governors and comment as authorized by the Board of Governors on proposed court rules, legislation and other proposals affecting the committee's subject area.</li><li>b. Draft proposals relating to its area of concern for consideration by the Board of Governors.</li><li>c. Plan and administer educational programs designed to foster improvement in appellate practice and awareness of issues affecting the committee's subject area.</li><li>d. Perform such other functions relevant to the committee's subject area as the Board of Governors may from time to time assign.</li></ul>

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<b>Proposed Activities</b>	
<b><u>Activity 1</u></b>	<b><u>Status/Time Frame:</u></b>
Rules of Court and related proposals – Review, analyze, and comment on Judicial Council proposals and Federal proposals that relate to appellate court operation and appellate practice.	Ongoing, as proposals are issued for public comment (e.g., Judicial Council’s Spring, Winter, and Special Cycles). The Committee on Appellate Courts is also available to provide informal input on proposals, as may be necessary. As with other activities of the Committee on Appellate Courts, this work varies by year, depending upon the number, nature, and scope of proposals and comments.

<b>Performance Indicators</b>
Continuing to provide technical expertise and input on matters relating to appellate court operation and appellate practice. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice in the appellate courts.

<b>Proposed Activity Budget</b>
Activity is ongoing throughout the year, intermingled with other Committee activities, and not associated with a particular budgetary amount.

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<b>Proposed Activities</b>	
<b><u>Activity 2</u></b>	<b><u>Status/Time Frame:</u></b>
<p>Legislation – a) Review and analyze bills that relate appellate court operation and appellate practice; b) recommend actions or positions for the Board of Governors to take; recommend technical corrections or improvements; take positions; or provide other input, as appropriate; c) participate, in coordination with the State Bar’s Office of Governmental Affairs, in “Resource to Legislature/Administration” program; d) review, analyze and comment, as appropriate, on Judicial Council proposals that are being considered as potential legislation; e) consider and draft potential Committee-sponsored legislation for consideration by the Board of Governors for inclusion in the section and committee legislative program.</p>	<p>Throughout the legislative session, the Committee on Appellate Courts monitors and analyzes legislation, and considers potential comments. Members of the Committee are also available on an ongoing basis to provide technical expertise, as may be requested. Potential legislation of the Committee or others may be considered at various times during the year.</p>

<b>Performance Indicators</b>
<p>Continuing to provide technical expertise and input on matters relating to appellate court operation and appellate practice. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice in the appellate courts.</p>

<b>Proposed Activity Budget</b>
<p>Activity is ongoing throughout the year, intermingled with other Committee activities, and not associated with a particular budgetary amount.</p>

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<b>Proposed Activities</b>	
<b><u>Activity 3</u></b>	<b><u>Status/Time Frame:</u></b>
California Law Revision Commission – Review and analyze proposals that relate to appellate court operation and appellate practice. Take positions or provide other input, as appropriate. Provide input on issues that the Law Revision Commission is analyzing.	Formal Committee comments are considered throughout the year, as proposals relating to the Committee’s charge are made by the CLRC. Committee members are also available throughout the year to provide informal input in connection with matters that the CLRC is considering.

<b>Performance Indicators</b>
Continuing to provide technical expertise and input on matters relating to appellate court operation and appellate practice. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice in the appellate courts.

<b>Proposed Activity Budget</b>
Activity is ongoing throughout the year, intermingled with other Committee activities, and not associated with a particular budgetary amount.

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<b>Proposed Activities</b>	
<b><u>Activity 4</u></b>	<b><u>Status/Time Frame:</u></b>
Conference of Delegates of California Bar Associations – Review and analyze resolutions of the Conference of Delegates of California Bar Associations, and prepare reports and recommendations on those relating to appellate court operation and appellate practice.	Formal comments are considered once per year, after resolutions of the Conference of Delegates of California Bar Associations are released for public comment. The Committee on Appellate Courts is also available throughout the year to provide additional input, as may be necessary.

<b>Performance Indicators</b>
Continuing to provide technical expertise and input on matters relating to appellate court operation and appellate practice. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice in the appellate courts.

<b>Proposed Activity Budget</b>
Activity is more concentrated in the period following the release of resolutions of the Conference of Delegates of California Bar Associations for public comment, but issues relating to those resolutions may come up throughout the year, and be intermingled with other Committee activities. Activity is not associated with a particular budgetary amount.

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<b>Proposed Activities</b>	
<b><u>Activity 5</u></b>	<b><u>Status/Time Frame:</u></b>
<p>Continuing Education – Plan and administer educational programs relating to appellate court operation and appellate practice. The Committee on Appellate Courts is an Approved Legal Specialization Provider in the area of Appellate Law, and its programs provide Legal Specialization credit in appellate law.</p>	<p>Ongoing. Number of programs varies by year. Programs have historically been presented at the State Bar Annual Meeting. The Committee has also co-sponsored programs with the Litigation Section at the Section Education Institute (SEI). The Committee is considering co-sponsorship of a full day, stand-alone appellate program.</p>

<b>Performance Indicators</b>
<p>Continuing to provide high quality continuing education opportunities on matters relating to appellate court operation and appellate practice.</p>

<b>Proposed Activity Budget</b>
<p>Planning for MCLE programs is ongoing throughout the year and intermingled with other Committee activities, although the greatest cost is associated with the State Bar Annual Meeting. The Annual Meeting budgetary amount varies from year to year, depending upon such factors as the number of programs, number of speakers, and resulting travel expenses for speakers.</p>

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<b>Proposed Activities</b>	
<b><u>Activity 6</u></b>	<b><u>Status/Time Frame:</u></b>
Coordination with other State Bar entities – The Committee on Appellate Courts is available to coordinate with the Appellate Law Advisory Commission and other State Bar entities on issues of mutual interest, to the extent those issues relate to the Committee’s charge.	Ongoing, as needed.

<b>Performance Indicators</b>
Continuing to provide technical expertise and input on matters relating to appellate court operation and appellate practice. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice in the appellate courts.

<b>Proposed Activity Budget</b>
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<b>Proposed Activities</b>	
<b><u>Activity 7</u></b>	<b><u>Status/Time Frame:</u></b>
Other – On occasion, individual members of the State Bar communicate with the State Bar, recommending changes in the law. To the extent these communications fall within the charge and area of expertise of the Committee on Appellate Courts, they would be referred to that committee for analysis and appropriate response.	The Committee on Appellate Courts is available, on an ongoing basis, to provide expertise and input.

<b>Performance Indicators</b>
Continuing to provide technical expertise and input on matters relating to appellate court operation and appellate practice. Providing opportunities for member involvement, and encouraging participation in efforts to improve the administration of justice in the appellate courts.

<b>Proposed Activity Budget</b>
Activity is ongoing throughout the year, intermingled with other Committee activities, and not associated with a particular budgetary amount.

### **How Activities Address State Bar Strategic Plan**

Combined activities further the following goals:

**Goal 2 – Providing a wide array of services and benefits to members that meet their professional development, business, and personal needs**

- Seeks ways to improve and inform members about professional development opportunities and services, including continuing legal education.

**Goal 3 – Ensuring that all people have access to high quality legal services regardless of financial or other circumstances**

- Works collaboratively with the Judicial Council on issues relating to court access and services for self-represented litigants.

**Goal 4 – Providing effective and supportive relationships with all stakeholders**

- Develops supportive, collaborative relationships to assist all parts of the State Bar in successfully fulfilling the respective roles and responsibilities of members, member groups, and other stakeholders.
- Actively encourages and supports member participation in bench-bar efforts to improve the administration of justice and access to the legal system for low and moderate income Californians.
- Cultivates positive working relationship between the State Bar and the Legislative and Executive Branch.
- Actively informs the public, members, and key stakeholders about the effective operation and activities of the State Bar and its members and seeks input from stakeholders about the operation and activities of the Bar.
- Maintains the positive working relationship between the Supreme Court and the State Bar.

**Goal 5 – Enhancing State Bar’s role as a contributing and accountable leader in improving the administration of justice and ensuring the rule of law in our civil society**

- Encourages increased participation in State Bar activities and identifies opportunities to inspire diversity in leadership in all members of the bar.
- Enhances opportunities for and encourages attorney participation in state and local justice system policy setting activities, including the development, consideration, and support or opposition to rules of court and legislation affecting the practice of law.

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**How Activities Address Sub-entity Charge**

Activities relating to legislation and rules of court further the charge of analyzing, reporting to the Board of Governors and commenting on proposed court rules, legislation and other proposals affecting appellate court operation and appellate practice. To the extent the Committee is involved with affirmative proposals that reach the Board level, the activities further the charge of drafting proposals relating to the Committee's area of concern for consideration by the Board of Governors. Activities relating to continuing education further the charge of planning and administering educational programs to foster improvement in appellate practice and awareness of issues affecting the committee's subject area.

**Recommended New Strategic Initiatives For Board Consideration**

**Name of Initiative:** The Committee on Appellate Courts will continue to focus on and enhance its core activities, but does not currently have any new strategic initiatives planned for 2009.

**Purpose:**

**Responsible Entity:**

**Connection to Strategic Plan:**

**Desired Outcome(s):**

**Fiscal and Staff Implications:**

**Proposed Performance Measures:**

Are activities within legislative and judicial restrictions imposed on the State Bar (*Keller, Hudson, Brosterhous, etc.*)?

Yes [ X ] No [ ] If no, please explain.

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<b>PROPOSED BUDGET</b>				
Business Unit (MCU) 16004				
(Combined Proposed Activity Budgets plus Staff Costs)				
Items	2007 Budget	2007 Outlook	2008 Budget	2009 Proposed
<b>Estimated Staff Time Required FTE: 20% Temporary Consultant</b>				
<b>Travel Staff</b>	0	89	245	245
<b>Travel Others (e.g. Annual Meeting speakers for MCLE presentations)</b>	2,734	569	6,353	2,853
<b>Travel Volunteer</b>	3,299	2,913	1,075	3,000
<b>Meeting Room Rental</b>	0	0	0	0
<b>Catering</b>	1,174	591	8	600
<b>Postage</b>	0	81	7	7
<b>Telephone</b>	707	480	473	473
<b>Copier Allocation</b>	1,223	2,735	1,080	2,000
<b>Delivery Services</b>	27	43	8	50
<b>Audio/Video Productions (Annual Meeting A/V equipment)</b>	0	223	0	200
<b>Other Professional Services Outside Printing Outside Design In House Printing Miscellaneous</b>	258	300	0	0
<b>TOTAL Operating Expense</b>	9,422	8,023	9,248	9,248