

AGENDA ITEM

JULY 135

State Bar Web Site
Advertising – Proposed
Revisions

Date: June 13, 2008

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

From: Mark Torres-Gil, Assistant General Counsel
Cynthia Abramov, Assistant General Counsel

Subject: Web Site Advertising Policy

EXECUTIVE SUMMARY

This agenda item recommends revising the State Bar's Web Site Advertising Policy to comport with current and future plans for the website and requests a delegation of authority to the Executive Director to develop at her discretion operational policies and procedures necessary to implement this policy. The State Bar's current Web Site Advertising Policy was adopted pursuant to Board resolution in March 2004. This policy needs updating consistent with the State Bar's mission and its Long Range Strategic Plan, so staff has the authority and flexibility to pursue online related projects with advertising components. In addition, the proposed policy provides for a delegation of authority to the Executive Director to handle all operational matters related to managing the State Bar's advertising policy.

Board members with questions on this item may contact Mark Torres-Gil at (415) 538-2012 or mark.torresgil@calbar.ca.gov or Cynthia Abramov at (415) 538-2589 or cynthia.abramov@calbar.ca.gov

DISCUSSION

In 2004, the Board adopted The State Bar of California Long-Range Strategic Plan ("Plan") to institutionalize and guide future planning activities of the State Bar. The Plan identified, among several long range goals, the goal of providing "a wide array of services and benefits to members that meet their professional development, business, and personal needs," and the goal of using "technology effectively and efficiently to support all aspects of [State Bar] operations, facilitate communication, and enhance the administration of justice in California."

In March 2004, in an effort to further implement these Plan goals, the Board adopted a policy, attached as Exhibit 1, to permit advertising on the State Bar's Web site. (Board Book tab 13, art. 1, § 2.) That policy, on the one hand, defined "advertisement" broadly to include banners, logos,

and hyperlinks to providers of services and products. (Id., § 2(b).) On the other hand, it authorized the placement of advertisements only within the *California Bar Journal* pages, the Section Members' Only pages and the Member Benefits pages of the State Bar's Web site. (Id., § 2(a).) The policy also included staff operational procedures, such as rate cards and specifications for advertising. (Id., § 2(c).)

Since 2004, the State Bar has implemented various online related projects to advance the professional interests of its members and to improve public access to the State Bar's services. More recent initiatives include the CalBar Connect affinity programs, and staff is presently developing a Find A Lawyer feature for the State Bar website. These two programs are consistent with the Plan's goals by offering value added services to members, by using technology effectively and efficiently to support Bar operations, and by providing a potential source of non-dues revenue to the Bar. Both the CalBar Connect affinity programs and the Find A Lawyer initiative contemplate the use of advertising by third parties.

By designating specific pages where advertisements may be placed on the Web site, the Board's intent was to maintain the distinction between the State Bar's regulatory and non-regulatory functions and to limit the offering of services and products to those pages related to member services and benefits. With planned revisions to the overall function and navigation of the Web site, the Bar will maintain the distinction between the State Bar's regulatory role and member benefits role without the necessity of this narrowly drawn policy that would require formal Board action in order to post advertisements or links on any other pages of the Web site. Moreover, the current policy designates the Editor and General Manager of the *California Bar Journal* as the staff person responsible for administering this policy. This designation is functionally outdated as certain online related projects are outside the purview of the Editor and General Manager and more appropriately should be within the discretion of the Executive Director.

Proposed Advertising Policy

The proposed revisions to the advertising policy would include a statement that the use of the Web Site should be consistent with pertinent goals of the Long-Range Strategic Plan. The current Web site policy includes the goal of generating additional revenue for the State Bar. This goal would now specifically reference Business and Professions Code section 6001 that authorizes the State Bar "to raise revenue in addition to that provided for in Section 6140 and other statutory provisions."

The limitation of advertising to specific pages of the State Bar's Web site on which advertisements may be placed (i.e., member services and benefits, the *California Bar Journal* pages, and the Sections' members' pages) will not be changed. However, the provisions incorporating staff operational procedures (e.g., managing the placement of advertising and linking requests, developing specifications for advertisements, and coordinating the solicitation, billing and revenue collection of advertisements) would be deleted. Instead, the Executive Director would be authorized to develop all necessary policies and procedures to implement this policy.

The definition of "advertisement" is revised to include photographs.

FISCAL/PERSONNEL IMPACT

None.

BOARD BOOK IMPACT

Tab 13

STATE BAR RULES IMPACT

None

STRATEGIC IMPACT

No strategic impact is anticipated.

PROPOSED BOARD COMMITTEE RESOLUTION

If the Board Member Oversight Committee agrees with the proposed recommendation, adoption of the following resolution would be appropriate:

WHEREAS, the Board adopted The State Bar of California Long-Range Strategic Plan in September 2004;

WHEREAS, a goal of said Plan is to provide a wide array of services and benefits to members that meet their professional development, business, and personal needs;

WHEREAS, another goal of said Plan is to use technology effectively and efficiently to support all aspects of State Bar operations, facilitate communication, and enhance the administration of justice in California;

WHEREAS, in 2004 the Board adopted the State Bar Web Site Advertising Policy as part of its efforts to implement said Plan;

WHEREAS, this Web Site Advertising Policy requires revision in order to effectively implement additional efforts in meeting said Plan goals;

RESOLVED, that the Board Member Oversight Committee recommends that the Board of Governors revise the current Web Site Advertising Policy, in the form attached as Exhibit 2, to provide staff general authority to pursue online advertising consistent with the State Bar's Strategic Plan goals and to delegate authority to the Executive Director to develop policies and procedures necessary to implement this policy.

If the Board concurs with the Board Member Oversight Committee's recommendation, adoption of the following resolution would be in order:

WHEREAS, the Board adopted The State Bar of California Long-Range Strategic Plan in 2004;

WHEREAS, a goal of said Plan is to provide a wide array of services and benefits to members that meet their professional development, business, and personal needs;

WHEREAS, another goal of said Plan is to use technology effectively and efficiently to support all aspects of State Bar operations, facilitate communication, and enhance the administration of justice in California;

WHEREAS, in 2004 the Board adopted the State Bar Web Site Advertising Policy as part of its efforts to implement said Plan;

WHEREAS, this Web Site Advertising Policy requires revision in order to effectively implement additional efforts in meeting said Plan goals;

RESOLVED, upon recommendation of the Member Oversight Committee, the Board of Governors authorizes that the current Web Site Advertising Policy be revised, in the form attached as Exhibit 2, to provide staff general authority to pursue online advertising consistent with the State Bar's Long Range Strategic Plan goals; and it is

FURTHER RESOLVED, that the Executive Director is authorized to develop policies and procedures necessary to implement the Web Site Advertising Policy.