

Board Committee on Operations  
Referral List  
February 20, 2009

**Category I – Change in Date Only**

March # 1

**Proposed Adjustment of Admissions Fees**

The Committee of Bar Examiners will seek approval of an adjustment in the Admissions fees to appropriately fund the programs that it oversees, which include administration of the California Bar Examination and First-Year Law Students' Examination, determining the good moral character required for admission to practice law in California and the registration and accreditation of law schools. The amount of the fee adjustments proposed will be affected by any changes the Board of Governors makes to its 2009 budget, which is scheduled to be determined during its March 2009 meeting.

Responsible Staff: Gayle Murphy

**Recommendation:** Planning: Mar/ **May**

**BOG:** ~~Mar~~ **May**

March # 2

**Member Amnesty Program**

This proposal is for an amnesty program for members suspended for nonpayment of fees who meet certain eligibility criteria. In March, staff will report orally to MOC & PPDB to solicit committee discussion and direction. The matter will return in May for consideration. In the event a rule change is advisable, the draft rule will be sent out for public comment at the May meeting.

Responsible Staff: Starr Babcock/Dina DiLoreto

**Recommendation:** MOC – ~~Jan~~/March/**May**  
**Planning- March/May**

**BOG –** ~~Jan~~/March **TBD**

March # 3

**Proposed Rule 9.6 Board Policy on Removal of On-time Only Fee Suspensions from Bar Website, (formerly Expansion of Rule 9.6 Expungement or Fee Suspensions or Removal of non-Disciplinary, Quasi-Regulatory Suspensions from the Website)**

This item will go back to the committee and the board in March. The written piece will be the same as the November 08 meeting. State Bar President Holly Fujie approved this course of action.

Responsible Staff: Starr Babcock and Dina DiLoreto

**Recommendation:** MOC– July/Sept/ Nov **March 09** BOG– ~~Nov~~ **March 09**

March # 4

**Committee on Professional Liability Insurance (COPLI), Recommendation of broker for Mediators and Arbitrators Liability Insurance**

The Request for Proposal for the Mediator and Arbitrators Liability Insurance was posted for a 30-day response period, which ends on March 4, 2008. The next COPLI meeting will take place on March 16, 2009 at which time the committee

will review bids received and anticipate making a recommendation of broker for Mediators and Arbitrators Insurance

Responsible Staff: Starr Babcock/Raquel Hines

**Recommendation:** MOC– ~~March~~ **May** BOG– ~~March~~ **May**

March # 5

**Committee on Group Insurance Programs (COGIP), Recommendation of broker for Employment Practices Liability Insurance (EPLI)**

The Request for Proposal for the Mediator and Arbitrators Liability Insurance was posted for a 30-day response period, which ends on February 24, 2009. The next COGIP meeting will take place on March 9, 2009 at which time the committee will review bids received and anticipate making a recommendation of broker for EPLI.

Responsible Staff: Starr Babcock/Raquel Hines

**Recommendation:** MOC– ~~March~~ **May** BOG– ~~March~~ **May**

**Category II – Possible Committee Reassignments**

None

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

March # 6

**Surrogate attorney Program**

This proposal, if adopted, would require attorneys to annually designate another active member of the State Bar who is willing, in the event of the attorney's death, incapacity or other inability to continue practicing law, to either take over the attorney's practice, assist clients to find other counsel and/or otherwise close down the attorney's practice. If the attorney is unwilling or unable to designate another active member for this purpose, the proposal would allow the attorney to pay an annual fee to have the State Bar perform this function pursuant to Business and Professions Code section 6180/6190.

Responsible Staff: Scott Drexel

**Recommendation:** RAD--**March** **BOG: TBD**

March # 7

**COPRAC Interim Opinion 2005-01**

The purpose of this item is to determine whether the Board of Governors will authorize the publication of this State Bar Ethics Opinion which provides, among other things, that modification to an existing fee agreement between an attorney and client is not subject to the requirements of rule 3-300 of the Rules of Professional Conduct.

Responsible Staff: Scott Drexel

**Recommendation:** RAD--**March**

March # 8

**Proposed Amendment to Rule 75, Rules of Procedure**

This is a request for public comment authority. This proposal, if adopted, would amend rule 75 of the Rules of Procedure to provide that an Early Neutral Evaluation Conference will only be held by a judge of the State Bar Court if both parties agree that the conduct of an ENEC would be beneficial.

Responsible Staff: Drexel

**Recommendation: RAD - March/May**

**BOG: May**

March # 9

**Modification of Rule 106, Rules of Procedure of the State Bar of California regarding disqualification of judges. Request for release for public comment**

This item will modify the procedure for disqualifying judges in State Bar Court proceedings by applying the provisions of Code of Civil Procedure section 170.3, with minor exceptions, to State Bar Court proceedings.

Responsible Staff: Colin Wong

**Recommendation: RAD - March/May**

**BOG: May**

March # 10

**Modification to Rule 661, Rules of Procedure of the State Bar of California regarding reinstatement proceedings. Request for release for public comment**

This item will update the requirement that petitioners for reinstatement submit fingerprint cards with their petition for reinstatement. The proposed rule change will now require petitioners to submit to a digital fingerprinting process. Currently the Department of Justice only accepts digital fingerprint information for background investigation purposes.

Responsible Staff: Colin Wong

**Recommendation: RAD: March/May**

**BOG: May**

March # 11

**Release for public comment of proposed revisions to the State Bar Rules of Procedure for Fee Arbitrations and the Enforcement of Awards by the State Bar of California**

The Mandatory Fee Arbitration proposes various revisions to the State Bar's Rules of Procedure governing its fee arbitration program and enforcement of awards cases. Although many revisions were proposed to comport with recent amendments to the State Bar's Model Rules, other proposals are more specific to the State Bar's MFA Program and those pertaining to award enforcement are unique to the State Bar. A 45-day period for public comment is requested.

Responsible Staff: Jill Sperber

**Recommendation RAD: March/May**

**BOG: May**

March # 12

**Malpractice Insurance and Affordability Survey – Proposed Approval**

The President has requested that a survey be conducted of members concerning the availability and affordability of malpractice insurance. Direction to conduct any survey of the membership must be approved by the Board of Governors.

Responsible Staff: Starr Babcock

**Recommendation: MOC/Planning: March**

**BOG: March**

March # 13

**Committee on Group Insurance Programs (COGIP) Change of Carrier for Workers Compensation Insurance Program**

The Request for Proposal for the Workers Compensation Insurance was posted for a 30-day response period on November 9, 2007. Members of COGIP selected Marsh Affinity Group as the broker/administrator for the sponsored program at their April 2008 committee meeting. Marsh recommends and COGIP concurs with the selection of The Hartford as the underwriting insurance carrier for the sponsored program.

**Staff:** (Starr Babcock/Raquel Hines)

**Recommendation: MOC - May**

**BOG– May**

March # 14

**MCLE Credit For Pro Bono Related Activity**

This item comes from the 2009 Board Planning Meeting.

Beginning discussion of possible MCLE credit for pro bono related activity, including mentoring, research, pro bono work coupled with training

Responsible Staff: Phyllis Culp

**Recommendation: MOC – March/TBD**

**BOG – TBD**

March # 15

**Limited Scope Legal Assistance (“Unbundling”)**

This item comes from the 2009 Board Planning Meeting.

Proposed resolution addressing ways to increase understanding of unbundling, ways to work with the Judicial Council to publicize Bar and Court support for unbundling; encourage law schools to teach limited scope; encourage attorneys to include unbundling in their practice; encourage sections to help publicize and support; work with LRS’s to expand unbundling panels.

Responsible Staff: Rodney Low

**Recommendation: Stakeholders - March/ May**

**BOG – May**

March # 16

**Diversity Awards Reception: Request for Change of Venue**

Following last year’s Annual Meeting, staff has been in discussions with the Council on Access and Fairness (COAF) regarding EOB/BRO Fund cost containment measures, while maximizing stakeholder outreach. As part of these discussions, the proposal was made to shift the Diversity Awards Reception from the Annual Meeting to the State Bar Annual Stakeholder Forum on an ongoing basis. This year’s Stakeholder Forum will be held June 5, 2009 in San Francisco. The Stakeholder Forum was mandated by the Board of Governors

with the creation of the COAF to ensure outreach to and input from the diversity constituencies represented by the sunsetted Access & Fairness, as well as other diversity pipeline stakeholders. The Forum attracts more stakeholders than at the Annual Meeting and would be an appropriate State Bar venue to acknowledge stakeholder diversity efforts.

Responsible Staff: Pat Lee, Terrie Mesa

**Recommendation: Stakeholders-March**

**BOG-March**

March # 17

**Diversity Awards, Selection of Recipients**

The Council on Access and Fairness (COAF) annually presents the State Bar Diversity Awards, and this year, COAF proposes to present the awards at the Stakeholder Forum on June 5, 2009. Should the Board of Governors approve the proposed change in venue for the Awards presentations, the committee requests that VIC and the Board consider this matter at the May 2009 meeting, rather than the July meeting, so the Board of Governors can approve the award recipients in time for the June presentations.

Responsible Staff: Pat Lee, Frank Monti

**Recommendation: VIC – July May**

**BOG- July May**

March # 18

**Education Pipeline Award, Selection of Recipient(s)**

COAF proposes to present the award at the Stakeholder Forum on June 5, 2009. Should the Board of Governors approve the proposed change in venue for the Awards presentations, the committee requests that VIC and the Board consider this matter at the May 2009 meeting, rather than the July meeting, so the Board of Governors can approve the award recipients in time for the June presentations.

Responsible Staff: Pat Lee, Frank Monti

**Recommendation: VIC – July May**

**BOG--July May**

March # 19

**Council on Access and Fairness, Interim Appointment of Member**

This committee has two recent resignations and will consider replacement candidates at its January 2009 meeting. The committee requests that the vacancies be filled at the March meeting.

Responsible Staff: Pat Lee

**Recommendation: VIC – March**

**BOG- March**

March # 20

**Committee on Group Insurance Programs, Interim Appointment of Member**

This committee has a vacancy due to the recent death of a long-time member. The committee requests that the vacancy be filled at the March meeting.

Responsible Staff: Starr Babcock, Kathleen Eichler

**Recommendation: VIC – March**

**BOG- March**

March # 21

**Public Law Section Executive Committee, Interim Appointment of Member.**

This committee has a vacancy due to a recent resignation. The committee requests that the vacancies be filled at the March meeting.

Responsible Staff: Pam Wilson, Julie Martinez

**Recommendation: VIC – March** **BOG- March**

March # 22

**Committee on Mandatory Fee Arbitration, Interim Appointment of Member.**

This committee has a vacancy due to a recent resignation. The committee requests that the vacancies be filled at the March meeting.

Responsible Staff: Jill Sperber

**Recommendation: VIC – March** **BOG- March**

March # 23

**Fee Arbitration Department, Appointment of New Arbitrators.**

The Fee Arbitration Department has new appointments to make and has requested that the Board consider this matter at the March meeting.

Responsible Staff: Jill Sperber

**Recommendation: VIC – March** **BOG- March**

March # 24

**JNE Review Committee, Interim Appointment of Member.**

This committee has an attorney-member vacancy due to a recent resignation.

The committee requests that the vacancy be filled at the March meeting.

Pursuant to policy, VIC members will review and rank the applicants for this position in advance of the March meeting.

Responsible Staff: Heidi-Schwab-Wilhelmi

**Recommendation: VIC – March** **BOG- March**

March # 25

**LAP Oversight Committee, Interim Appointment of Member.**

This committee has a physician-member vacancy because a recent appointee declined the appointment due to an unexpected conflict. The committee requests VIC review the remaining ranked alternates to recommend a replacement for the position at the March meeting.

Responsible Staff: Richard Carlton, Janis Thibault

**Recommendation: VIC – March** **BOG- March**

March # 26

**Committee of Bar Examiners, Interim Appointment of Member.**

This committee has a new vacancy because a recent resignation of an attorney member. The committee has requested that the position be filled at the March 2009 meeting.

Responsible Staff: Gayle Murphy

**Recommendation: VIC – March** **BOG- March**