

Board Committee on Operations  
Referral List  
May 14, 2009

**Category I – Change in Date Only**

May # 1

**Modification to Rule 661, Rules of procedure of the State Bar of California regarding reinstatement proceedings.**

It is requested that this item be released for public comment in May due to the fact that some issues arose that needed to be resolved before this item is ready for release for public comment and that couldn't be address by the March meeting.

Responsible Staff: Colin Wong

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

BOG - ~~May~~ July

May # 2

**Resignations without charges pending (Rule 2.37)**

This item was approved at the last BOG meeting, however it's been discovered that the language in the rule needs to be modified slightly to clarify that attorneys who are on administrative, rather than disciplinary, suspension may resign without disciplinary charges pending.

Responsible Staff: Scott Drexel

**Recommendation:** RAD - July/Nov/March/~~May~~

BOG - ~~Nov~~/March/~~May~~

May # 3

**State Bar Rule Revision - Special Admission Rules - Request for Public Comment**

The Rule Revision process has yet to commence. It is anticipated that staff will start the rules revision process for Special Admission Rules in the upcoming weeks.

Responsible Staff: Phyllis Culp and Victor Rowley

**Recommendation:** MOC – ~~May~~ July/Nov

BOG - ~~Nov~~

May # 4

**Legal Services of Northern California (LSNC), Annual Appointment of Attorney Members to the Board of Directors**

The LSNC board is still recruiting for its annual positions and will not complete its review in time for the Board's May meeting. LSNC has requested that the Board consider these appointments at the July meeting.

Responsible Staff: Mary Lavery Flynn

**Recommendation:** VIC - ~~May~~ July

BOG - ~~May~~ July

## **Category II – Possible Committee Reassignments**

May # 5

### **Rule of Professional Conduct 1-650**

This rule, which follows ABA Model Rule 6.5, concerns limited legal services programs and serves to abrogate the application of conflicts of interest rules. Because of the recent economic crisis this was reviewed on an emergency basis by the Board Committee on Planning Program and Budget in March and sent out for a 30 day public comment period. But it will return from comment, to the more appropriate Committee, the Board Committee on Regulation, Admissions and Discipline.

Responsible Staff: Randy Difuntorum

Recommendation: Planning - March, **RAD - May**      **BOG - May**

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

May # 6

### **BOG Election Rules, Proposed Amendments**

#### **Regarding “Principle Office for the Practice of Law.”**

Business and Professions Code sections 6015 and 6018 provide that only those active members who maintain their “principle office for the practice of law” in prescribed State Bar districts may run and vote in the board election of the prescribed district. Business and Professions Code section 6002.1, subdivision (a), requires each member of the State Bar to maintain on his or her official membership records a “current office address ...or , if no office is maintained, the address to be used for State Bar purposes.” The proposed amendments would clarify the meaning of “principle office for the practice of law” and address those situations when a member’s principle office for the practice of law may be different than the address in his or her membership records.

Responsible Staff: Larry Yee

Recommendation: **BOG Ops – July/Sept/Nov**      **BOG - Nov**

May # 7

### **Rule 105, Rules of Procedure of the State Bar of California**

Currently, although a party who files a motion in the State Bar Court often files or wishes to file a reply to the opposing party’s opposition or other response to the motion, the Rules of Procedure neither specifically allow or prohibit such a reply. This item modifies the Rules of Procedure to specifically permit the moving party to file a response.

Responsible Staff: Scott Drexel

Recommendation: **RAD - May/July**      **BOG - May/July**

May # 8

**Proposed Rule of Procedure 216.5-- the right of the “victims” of attorney misconduct to submit a victim’s statement at the mitigation/aggravation stage of disciplinary proceedings**

This proposal would allow a complaining witness or other victim of the attorney’s alleged misconduct that is the subject of a current disciplinary proceeding, to submit a written “victim’s statement” to the State Bar Court during the mitigation/aggravation stage of the disciplinary proceeding, setting forth the harm that has been suffered by the victim as a result of the attorney’s misconduct.

Responsible Staff: Scott Drexel

**Recommendation: RAD - May/July**

**BOG - July**

May # 9

**Sonoma County Bar Association Fee Arbitration rules**

Request for approval of revisions to the filing fee structure for the Sonoma County Bar’s Fee Arbitration Program set forth in its rules of procedure for fee arbitrations.

Responsible Staff: Jill Sperber

**Recommendation: RAD - May**

**BOG - May**

May # 10

**Report from Robert Persons, the outside Rule 2201(i) Special Counsel to RAD**

Report on Preliminary Review, Rule 2201(i), Rules of Procedure of the State Bar of California. This is a closed item.

**Recommendation: RAD - May**

**BOG - N/A**

May # 11

**Discussion of Work of Judicial Council Elkins Family Law Task Force**

During the discussion at the Board’s January planning meeting, board members focused on possible improvements in family law as a key way to improve access to justice. The Chair of the Judicial Council Elkins Family Law Task Force, Hon. Laurie Zelon, is available at the time of the July board committee meetings to update the board on the work of the task force and to discuss the possible role of the State Bar.

Responsible Staff: Sharon Ngim

**Recommendation: Stakeholders - July**

**BOG - N/A**

May # 12

**Pro Bono Week Celebration Resolution**

The Board of Governors will be asked to approve a resolution naming the last week of October “Pro Bono Week Celebration”, to coincide with National Pro Bono Week Celebration being coordinated by the ABA. This year will be the first such celebration, and it will be the first time that groups across the country will be highlighting pro bono, contributions by lawyers in a coordinated way. The State

Bar Standing Committee on the Delivery of Legal Services and staff have been working with local bar associations and legal services programs to prepare for a range of events across the state to take advantage of this opportunity.

Responsible Staff: Sharon Ngim

**Recommendation: Stakeholders - May**

**BOG - May**

May # 13

**Access to Justice Commission: Add Legal Aid Association of California (LAAC) as an Appointing Entity**

The Legal Aid Association of California (LAAC) is a key partner with the Access to Justice Commission on many of its projects, and the Commission would like to recognize that partnership by giving LAAC formal authority to appoint one member to the Access Commission, joining the State Bar and several other entities formally collaborating with the Commission.

Responsible Staff: Mary Lavery Flynn

**Recommendation: Stakeholders - May**

**BOG - May**

May # 14

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

The Fee Arbitration Department will have new appointments to make and has requested that the Board consider this matter at the May and July meetings.

Responsible Staff: Jill Sperber

**Recommendation: VIC - May/July**

**BOG - May/July**