



THE STATE BAR OF CALIFORNIA

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Date: June 3, 2009 **IV.a**

To: Members, Board Planning and Budget Committee

From: Howard Miller, Chair
Mary Lavery Flynn, Director, Legal Services Outreach
Francisco Gomez, Office of the Executive Director

Subject: Update on Priorities from Board Planning Session

At the January 8-10, 2009 planning meeting of the Board of Governors, board members participated in extensive discussions with representatives of the Access to Justice Commission, the Standing Committee on Delivery of Legal Services, and the Legal Services Trust Fund Commission. The discussions focused on a number of areas in which the Bar can play a role to improve access to justice for low and moderate-income Californians.

The discussion sessions were very productive and thought-provoking, and several priority areas were identified. We are providing this update to describe what has been accomplished since that planning meeting, and what remains on our agenda to pursue in the future.

Action Steps Taken:

- **ABA Model Rule 6.5**
 - Proposal: Discuss possibility of pursuing adoption of ABA Model Rule 6.5, on an expedited basis, to facilitate attorney participation in advice and counsel clinics for low-income clients.
 - Status: Approved unanimously by the Rule Revision Commission and the Board of Governors in May as proposed Rule of Professional Conduct 1-650
 - Next Steps: We are awaiting approval from the Supreme Court; the proposal was submitted to the Supreme Court on May 29, 2009.

- **Pro Bono Week Celebration**
 - Proposal: Work with the ABA and local bars, legal services programs, and the judiciary to celebrate first national Pro Bono Week, October 25 to 31, 2009.
 - Status: Resolution Approving Pro Bono Week October 25 to 31, 2009, approved unanimously by the Board of Governors at its May meeting.

- Next Steps: Staff is working with all appropriate stakeholders to help coordinate activities planned for the first Pro Bono Week in October.
 - **Limited Scope Legal Assistance (“Unbundling”)**
 - Proposal: Propose ways to increase understanding of unbundling, particularly for attorneys in solo and small firms; 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.
 - Status: A proposed statement of support for Limited Scope Legal Assistance, with specific action steps recommended, was sent out for comment by the Board in March, and the final statement was adopted at the May Board meeting.
 - Next Steps: The Standing Committee on Delivery of Legal Services is working with staff to publicize the resolution and to work on implementation steps.
 - **Access to Justice Legislation Supported:**
 - Proposal: Support two legislative proposals that would increase access to justice – AB 590, a pilot right to counsel proposal, and AB 663, expanding interpreters in civil cases. Both of these bills also address the issue of fraudulent legal aid practices.
 - Status: Board supported both pieces of legislation at the May Board meeting.
 - Next Steps: Both bills have been passed out of their house of origin and are pending in the Senate.
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Information and Discussion items Since Planning Session:

- **MCLE Credit for Pro Bono Activity**
 - Proposal: Discuss the possibility of offering MCLE credit for pro bono related activity, including mentoring, research, pro bono work coupled with training;
 - Status: The MOC Committee discussed this concept at the March meeting, and will continue that discussion at the July meeting.
 - Next Steps: Staff will continue to analyze the issues involved, including studying the experiences in other states, and will report its findings and recommendations to the MOC committee.

- **Family Law**
 - Proposal: Discussion of role of Bar in addressing barriers in family law and encourage mentoring; plan for input to Elkins Family Law Task Force; consider bar exam question on family law beyond community property; consider other ways to work with the Judicial Council on this issue, including increasing resources for family law courts;
 - Status: The presentation by Justice Laurie Zelon, Chair of the Judicial Council Elkins Family Law Task Force, will occur during the July Stakeholders Committee Meeting.
 - Next Steps: The Bar will be asked to respond to specific proposals that are released for comment by the Elkins Family Law Task Force, and the Standing Committee on Delivery of Legal Services and the Family Law Section will both review those proposals and provide input to the Judicial Council and make recommendations to the Board of Governors, as appropriate.