

Board Committee on Operations
Referral List
July 16, 2009

Category I – Change in Date Only

July # 1

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

At the May RAD meeting, this item was release for a 75-day public comment period, which closes after the July meeting. The next planned RAD meeting is November.

Responsible Staff: ~~Scott Drexel~~ Russ Weiner

Recommendation: RAD: May/~~Jul~~ **Nov**

BOG: May/~~Jul~~ **Nov**

July # 2

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

At the May RAD meeting, this item was release for a 75-day public comment period, which closes after the July meeting. The next planned RAD meeting is July, unless there’s a business meeting held at the Annual Meeting

Responsible Staff: ~~Scott Drexel~~ Russ Weiner

Recommendation: RAD: May/~~Jul~~ **Nov**

BOG: May/~~Jul~~ **Nov**

July # 3

State Bar Rule Revision - Special Admissions Rules

As part of the Standardization of the State Bar’s Rules, the Office of Special Admission program rules for the following rules are being sent out for public comment. Registered Foreign Legal Consultant, Registered Legal Services Attorney, Registered In-House Counsel, Out-of-State Attorney Arbitration Counsel and Counsel Pro Hac Vice both the State Bar Rule and proposed revised California Rules of Court, Rule 9.40 Counsel Pro Hac Vice.

Staff Responsible: Phyllis Culp

Recommendation: MOC- ~~May/July~~ **Nov/Jan**

BOG- ~~Nov~~ **Jan**

July # 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 July meeting. LSNC has requested that the Board consider these appointments at later date.

Responsible Staff: Mary Lavery Flynn

Recommendation: VIC –~~July~~ **Nov/Mar**

BOG- ~~Jul~~ **Nov/Mar**

July # 5

Legal Aid Society of Orange County (LASOC), Annual Appointment of Attorney Members to the Board of Directors. This board had two positions to fill at the May meeting. One position was filled in May, but because of the limited applicant pool, the LASOC board requested that the other position be filled at a later date. LASOC has now submitted a recommendation for the remaining position and requests that it be filled at the next meeting.

Responsible Staff: Mary Lavery Flynn

Recommendation: VIC –~~May~~ July

BOG- ~~May~~ July

Category II – Possible Committee Reassignments

July # 6

Proposed Amnesty for Members Suspended for Nonpayment of Fees – New Provision (J) of State Bar Rule 2.16- Return from Public Comment

This is not a reassignment but a referral to add this to the Planning agenda for information only. The waiver would apply to suspended members who have unpaid annual fees and penalties accruing for years 2008 and earlier. The proposed amount of the waiver is fifty percent of accrued fees and penalties, which would be added to the Schedule of Charges and Deadlines upon Board action after public comment. The amnesty period would last until December 31, 2010. This item is already on MOC and the Board agendas for Action. This adds it as an informational item for Planning, as well.

Staff Responsible: Dina DiLoreto

Recommendation: MOC- May/July(**Planning – July FYI only**) BOG- July

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

July # 7

Proposed Committee Governance Structure

Proposal to (1) combine the member services and volunteer appointments functions; (2) create two committees from RAD -- one focused on discipline and the other on rules, ethics, and admissions; and (3) eliminate the Stakeholder Relations Committee and replacing it with a “legal services and equal access issues committee.”

Responsible Staff: Francisco Gomez

Recommendation: Planning - July

BOG - July

July # 8

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 discussion 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. This item describes what has been accomplished since that planning meeting, and what remains on the agenda to pursue in the future.

Responsible Staff: Francisco Gomez and Mary Flynn

Recommendation: Planning - July

July # 9

Legal Services Trust Fund Program: Addition of Threshold for Submission of Financial Audit to Schedule of Charges and Deadlines

Reinstatement of the demarcation threshold that would require applicant programs to submit a financial audit rather than a financial review. This dollar amount was removed from the revised Legal Services Trust Fund Rules (3.660-3.682) to conform to the protocols established by the State Bar rules revision project.

Responsible Staff: Stephanie Choy

Recommendation: Planning - July

BOG - July

July # 10

Revisions to the Notice of Your Rights After Arbitration form- release for public comment

The Notice of your Rights After Arbitration form is required by statute to be delivered to the parties with service of a fee arbitration award. A recent opinion by the California Supreme Court holds that a party's right to a trial *de novo* following non-binding mandatory fee arbitration may instead be satisfied by private arbitration if the parties have a pre-existing arbitration agreement. Because this case constitutes a material change to the post-fee arbitration options described in the Notice form, revisions to the Notice form are sought to reflect this recognized exception to a party's right to trial *de novo* following fee arbitration.

Responsible Staff: Jill Sperber

Recommendation: RAD - Jul/Nov

BOG - Nov

July # 11

Approval of new rules of procedure for fee arbitrations by the Antelope Valley Bar Association

The Antelope Valley Bar Association seeks approval of new rules of procedure for its fee arbitration program which adopt the State Bar's Model Rules of Procedure for Fee Arbitration.

Responsible Staff: Jill Sperber

Recommendation: RAD - July

BOG - July

July # 12

Approval of revised rules of procedure for fee arbitrations by the Contra Costa County Bar Association

The Contra Costa County Bar Association seeks approval of revisions to its rules of procedure for fee arbitrations to update procedures consistent with recent amendments to the State Bar's Model Rules of Procedure for Fee Arbitrations.

Responsible Staff: Jill Sperber

Recommendation: RAD- July

BOG - July

July # 13

Approval of new rules of procedure for fee arbitrations by the Yuba- Sutter Bar Association.

The Yuba-Sutter County Bar Association seeks approval of new rules of procedure for its fee arbitration program which mostly adopt the State Bar's Model Rules of Procedure for Fee Arbitrations.

Responsible Staff: Jill Sperber

Recommendation: RAD - July

BOG - July

July # 14

Proposed Administrative Amendments to *Admissions Rules* – Request to Circulate for Public Comment

Since the new *Admissions Rules*, which were revised to conform with the new State Bar plain English standards last year, were approved, it has been discovered that several requirements/specifications that were covered by the previous version of the applicable rules were inadvertently not included in the new version or even though there may be other guiding statutes or rules that cover a certain requirement, it would be better for applicants have the statutory language included in the rule so they get a complete picture of what is required.

Responsible Staff: Gayle Murphy

Recommendation: RAD – July/Nov

BOG - Nov

July # 15

Reaffirmation of Board of Governors' commitment to establish and monitor disciplinary policies that support the primary purposes of the disciplinary proceedings conducted by and of sanctions imposed by the State Bar of California.

This item will affirm the commitment of the Board of Governors of the public protection initiatives undertaken by the Office of the Chief Trial Counsel and to adopt some of the recommendations in the commission chaired by John Van de Kamp, which was issued in October 2007.

Responsible Staff: Russell Weiner

Recommendation: RAD – July

BOG - July

July # 16

Review of OCTC's project list

This item is a review and adoption of the projects and initiatives currently underway in the Office of the Chief Trial Counsel

Responsible Staff: Russell Weiner

Recommendation: RAD - July

BOG - July

July # 17

Proposed Client Security Fund Rules

The Rules of Procedure, Client Security Fund Matters have been revised as part of ongoing efforts of The State Bar of California to clarify the organization and language of its rules. The revisions are not intended to change current general requirements for reimbursement or determination of eligibility for reimbursement.

Responsible Staff: Colin Wong

Recommendation: RAD- July/Nov

BOG - Nov

July # 18

CYLA Update Oral Report

The CYLA Board Representative will provide an oral report on CYLA activities and accomplishments.

Staff Responsible: Carol Madeja and CYLA BOG Representative

Recommendation: MOC- Each meeting as needed

July # 19

Law Practice Management & Technology Section Request for Bylaw Change

The Law Practice Management & Technology Section would like to change their bylaws to permit an increase in the maximum number of executive committee members from 15 to 17.

Staff Responsible: Pam Wilson

Recommendation: MOC - July

BOG - July

July # 20

Labor & Employment Law Section Request for Bylaw Change

The Labor & Employment Law Section would like to change their bylaws regarding the selection and term of service for advisors to the executive committee.

Staff Responsible: Pam Wilson

Recommendation: MOC- July

BOG - July

July # 21

Intellectual Property Law Section Request for Bylaw Change

The Intellectual Property Law Section would like to amend its section bylaws to conform with the Rules and Regulations of the State Bar and Resolutions of the Board of Governors and to restate the bylaws in their entirety to avoid any uncertainty.

Staff Responsible: Pam Wilson

Recommendation: MOC- July

BOG - July

July # 22

Taxation Section Request for Bylaw Change

The Taxation Section Executive Committee would like to amend its section bylaws to clarify conformity with the Rules and Regulations of the State Bar and Resolutions of the Board of Governors and to restate the bylaws as thus amended in their entirety to avoid any uncertainty as to the authoritative form of the bylaws.

Staff Responsible: Pam Wilson

Recommendation: MOC - Nov

BOG - Nov

July # 23

Out-of-State- Attorney Arbitration Counsel Report to the Legislature from the State Bar

Effective January 1, 2007 California law was amended by Assembly Bill 2482 (AB 2482) that authorized attorneys admitted to the bar of another state to represent a party in an arbitration proceeding in this state, or to render legal services in California in connection with an arbitration proceeding in another state. This bill revised the January 1, 2007 repeal date of the prior law and extended provisions until January 1, 2011. In enacting this legislation the bill required the State Bar to report findings and recommendations, as identified in the bill on the appearance of out-of-state attorneys in arbitration hearings or proceedings in California to the Legislature by December 31, 2009. However, if the State Bar found a pattern of noncompliance with or abuse of the provisions of the legislation the State Bar must promptly notify the Chairs of the Senate and Assembly Committees promptly.

Staff Responsible: Phyllis Culp

Recommendation: MOC - Nov

BOG - Nov

