



THE STATE BAR OF CALIFORNIA

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Date: November 30, 2009

To: Members, Board of Governors

From: Jon Streeter

Re: November 13, 2009 Board Planning Session Breakout Topic V – Review of Past Strategic Initiatives

Attached is a table listing some of the Strategic Initiatives undertaken by the State Bar from 1998 – 2008. The table contains a description, cost information and outcome data for each initiative listed.

The Breakout session consisted of a review of each initiative listed.

Beth Collins-Burgard, Co-Chair, Task Force on Sustainable Practice; Marguerite Downing, Chair, Attorney Civility Task Force; and Patricia Lee, Director, Access & Fairness Programs, State Bar of CA participated in this session.

Initiative	Cost	Outcome
(1995 – 1998) Law Office Management Assistance (LOMA)		
<p>In September 1995, at the request of then President Margaret Morrow, the Law Office Management Assistance (LOMA) program was established as a support system for attorneys in need of law office management advice.</p> <p>By calling 1-800/YES-LOMA attorneys could access resources through LOMA's fax on demand service. In addition to information about accounting and billing programs, new product reviews and software programs, LOMA offered management audits and educational seminars.</p> <p>Services were contracted for and provided by vendor, The Professional Consulting Group Inc. (PCG), a San Francisco-based consulting firm.</p>	<p>Annual Cost of \$160,000 (Sept. 1995 – Sept. 1998)</p>	<p>Utilization of both the hotline and fax-on-demand was low during the terms of the agreement. In 1997 – 1998 The telephone calls average was 5.99 per day, with the average call lasting approximately 8.5 minutes. The fax-on-demand had an average document retrieval rate of 70.67 documents per month.</p> <p>The March 2008 “Termination of the LOMA Agreement” Board agenda item characterized the program as “underutilized” and that a review was warranted on how to accomplish these goals more cost effectively. At the request of the State Bar, the vendor agreed to an early termination of the contract in May 1998. Termination of the contract saved the Bar \$13,333.33 per month.</p>

Past State Bar Strategic Initiatives

Initiative	Cost	Outcome
(2001 – 2002) Unauthorized Practice of Law		
<p>At the request of then President Karen Nobumoto, the State Bar sought legislation to strengthen penalties and remedies against an individual who practices law or who holds himself or herself out to be a practicing attorney when he or she is not authorized to do so.</p>	<p>In 2009 the State Bar budget for Abandoned and Unauthorized Practices was \$1, 492,176</p>	<p>Faced with a Senate Public Safety Committee adamant in its opposition to creating any new, non-violent felony that could possibly constitute a Third Strike, Senator Gloria Romero and State Bar President Karen Nobumoto agreed to substantial amendments to SB 1459, the Bar-supported bill to combat the unauthorized practice of law (UPL). With those amendments, the bill was unanimously approved by that committee and sent to the Appropriations Committee.</p> <p>The earlier version of SB 1459 would have permitted misdemeanor or felony ("wobbler") prosecution of non-attorneys convicted a second or subsequent time of UPL under B&P Code §6126(a).</p> <p>As amended, the bill would instead:</p> <ol style="list-style-type: none"> (1) Double the current maximum jail time permissible for a UPL conviction of a non-attorney from six months to one year; (2) Mandate a jail term of 90 days to one year for a second or subsequent UPL conviction, unless the interests of justice demand otherwise; and (3) Require the court that chose not to send the recidivist offender to jail to state the reasons why on the record. <p>SB 1459 still contained its earlier provisions making other, generally technical, improvements, in the UPL law, including clarifying that the actual practice of law by a disbarred or suspended attorney (not merely the advertising or holding out) is prosecutable.</p>

Past State Bar Strategic Initiatives

Initiative	Cost	Outcome
Law Student Division (2005)		
<p>President Van de Kamp proposed the creation of a special State Bar section for law students. The purpose was to establish a broader State Bar communication with law students and law schools — and to provide them with useful resources re the law school experience and transition into the practice of law. The president’s idea met with support and was widely recognized as a worthwhile aim. To assess the interest in the proposed section, a survey was distributed to law school deans and students. The survey response was overwhelmingly positive; However the State Bar staff identified a variety of legal, financial and other obstacles that needed to be addressed in order to achieve the program. Goals while minimizing the program costs.</p> <p>Staff worked with the Board to find alternatives that would achieve the same goals – i.e., working through the existing sections and creating a “virtual” law student program</p>	<p>Financial hurdle - Based on legal precedent restricting the use of State Bar attorney dues, this project required independent funding from outside the bar. An application to the California Bar Foundation resulted in the seed money necessary to launch the law student project (\$25, 000). Ongoing costs for maintaining the database portion and for the writing of the monthly e-journal are covered by the State Bar Sections.</p>	<p>The initiative evolved into the creation of a low maintenance, self perpetuating law student database generated by online subscriptions by law students. The email distribution lists will be available to the State Bar sections and, possibly, local bar associations. In addition, law students registering in the database (more than 1,800 registered in the first few weeks alone) will receive a regular State Bar “e-Journal” with information geared for law students. As of October there are a total of 7077 Law Student Profile registrants. The students voluntarily subscribe and also indicate their areas of interest according to practice setting (tracking the areas of focus of the 16 State Bar Sections) and other areas of interest including Career Opportunities, Networking Opportunities, Mentoring Programs, Legal Services/Public Interest, Pro Bono Service, and Diversity in the Profession, Discounted Member Benefits, Loan Forgiveness, and Transition into the Profession. Staff pulls the statistics for student responses and circulates to various State Bar Sections and other Offices for use in ongoing contact with the students. Law School Deans are reminded twice a year to encourage their students to subscribe to the site. The initiative has resulted in a low cost approach to increasing communication and providing support for law students through the State Bar and a way of building ongoing good will with future members of the profession.</p>

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Attorney Civility (2006-2007)																										
<p>Attorney Civility Task Force was appointed in 2007 to study and recommend to the Board one or more model sets of aspirational civility guidelines.</p>	<p>The following costs were estimate for an Attorney Civility Task Force with 18 members and one staff liaison (based in San Francisco) assumes four one-day meetings at the State Bar’s offices, with overnight accommodations (two in San Francisco and two in Los Angeles), and that staff and volunteers would be on travel status for only one day.</p> <p>Task Force Meeting Costs – 2006 – 2007¹</p> <table border="0"> <tr> <td>Travel Staff</td> <td style="text-align: right;">\$500</td> </tr> <tr> <td>Travel Volunteers</td> <td style="text-align: right;">\$8,800</td> </tr> <tr> <td>Hotel – LA</td> <td style="text-align: right;">\$2,400</td> </tr> <tr> <td>Hotel – SF</td> <td style="text-align: right;">\$3,700</td> </tr> <tr> <td>Airport Trans/Parking</td> <td style="text-align: right;">\$1800</td> </tr> <tr> <td>Meeting Room Rental</td> <td style="text-align: right;">0</td> </tr> <tr> <td> Catering</td> <td style="text-align: right;">\$2,000</td> </tr> <tr> <td>Stationary and Supplies</td> <td style="text-align: right;">\$300</td> </tr> <tr> <td> Postage</td> <td style="text-align: right;">\$300</td> </tr> <tr> <td> Telephone</td> <td style="text-align: right;">\$300</td> </tr> <tr> <td>Copier Allocation</td> <td style="text-align: right;"><u>\$1,000</u></td> </tr> <tr> <td>Total Budgeted</td> <td style="text-align: right;">\$22,100</td> </tr> </table> <p>1 staff person traveling to LA for 2 meetings at \$210 + per diem for 1 day travel status 9 members North and 9 members south traveling at \$210 roundtrip per 4 meetings + per diem LA Rate \$130 x 9 rooms for 2 meetings SF Rate is \$205 x 9 rooms for 2 meetings Assumes airport transportation for 9 for 4 meetings; parking only for the 2 SF meetings Assumes one catered breakfast and lunch per meeting</p>	Travel Staff	\$500	Travel Volunteers	\$8,800	Hotel – LA	\$2,400	Hotel – SF	\$3,700	Airport Trans/Parking	\$1800	Meeting Room Rental	0	Catering	\$2,000	Stationary and Supplies	\$300	Postage	\$300	Telephone	\$300	Copier Allocation	<u>\$1,000</u>	Total Budgeted	\$22,100	<p>At the May 2007 meeting, the task force reported to the Board Committee on Member Oversight (MOC) with a recommendation for a new voluntary set of guidelines called the “California Attorney Guidelines of Civility and Professionalism”.</p> <p>The Attorney Civility Task Force also created a Civility Toolbox to assist bar associations and California attorneys in the ongoing effort to promote civility and professionalism in the practice of law.</p> <p>Resources include the Guidelines, the attorney pledge, a sample resolution for bar associations and local court order. Since we are finding that the Guidelines have been a popular MCLE subject, we have also included a sample PowerPoint presentation for an MCLE program. The Civility Toolbox is located on the State Bar’s Web site at www.calbar.ca.gov, under:</p> <ul style="list-style-type: none"> • Reports (Published reports in 2007); • Member Benefits>Member Services Center; • Ethics (Ethics Information); and • Attorney Resources>Law Practice Management
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¹ Rounded to the nearest hundred

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Diversity Pipeline (2006-2007)		
<p>In 2006, a State Bar Diversity Pipeline Task Force was appointed to expand the scope of the State Bar’s access & fairness and diversity programs and initiatives to focus on the full continuum of the diversity pipeline (e.g. preschool through high school, college and law school; bar exam passage; recruitment, hiring, retention and advancement in the legal profession, and diversity in the judiciary). The task force began developing an online list of model programs that reflected the full “diversity pipeline including recruitment, retention and advancement in the legal profession and the introduction of students to the possibility of careers in the legal profession. For inclusion in the online program listing, programs must meet the “CSIRE” criteria: continuity, sustainability, impact, replicability and evaluation.</p>	<p>State Bar’s diversity programs are funded entirely by voluntary contributions from attorneys to the Elimination of Bias/Bar Relations Outreach (EOB/BRO) Fund.</p> <p>In 2006 EOB/BRO Fund supported the 5 Access & Fairness Committees, the Pipeline Project, and Center for Access & Fairness, the Leadership Academy and Spring Summit, as well as the staffing and activities of the Office of Bar Relations Outreach.</p> <p>Sun-setting the 5 Access & Fairness Committees in 2006 saved approximately \$300,000 in budgeted expenses covering staff support and operating costs.</p> <p>Council on Access and Fairness: Business Unit 70012—does not include staff support (staff support for all Access & Fairness programs appears in the Center for Access & Fairness: 17007)</p> <p>2007 COAF Actual: \$20,440 (first year, start up)</p> <p>2008 COAF Actual: \$ 36,533 (first full year)</p> <p>2009 COAF Projected: \$41,000 (includes reprinting of resources)</p>	<p>The “Pipeline Project” gathered data on the status of diversity in the profession and identified working programs that showed what might be done to increase diversity in the legal profession. The online program listing is updated twice a year.</p> <p>A final report and recommendations were presented to the Board at its August 2006 meeting. The Board received the report and agreed that the “pipeline” concept and structure should be institutionalized as a permanent, ongoing focus of the State Bar.</p> <p>In September 2006 the Board approved the Pipeline Project Recommendation for the creation of a single entity to comprehensively address diversity in the profession, to sunset the existing Access & Fairness Committees and to sunset the Diversity Pipeline Task Force. The work of the sunsetted entities was folded into the mission and charge of the new Council on Access and Fairness (COAF).</p>

Past State Bar Strategic Initiatives

Initiative	Cost	Outcome
CYLA (2007 – 2008)		
<p>In January 2007, under the Board’s directive, research and evaluation was initiated to determine how to increase participation by young lawyers in bar activities, to provide leadership and professional development avenues, and to guide the creation of member services for new admittees and young attorneys.</p> <p>In April 2007, Hertz Research created an online survey, in conjunction with State Bar staff and input from the CYLA Board. The survey was sent to randomly selected young lawyers and was offered to all lawyers through the website.</p> <p>The June 2007 Spring Summit on Young Lawyers was a two-day invitation only meeting that brought together stakeholders to dialogue on key strategies that could positively impact young lawyers .The Board considered the broad spectrum of issues raised during the 2007 Spring Summit, the results of the individual and focus group interviews, and the 2007 Young Lawyer Survey,</p> <p>The key recommendations included the restructuring of CYLA, shifting from an elected board to an entity appointed by the Board of Governors and the renaming of the new entity as the Council on California Young lawyers. The existing process providing for the election of a young lawyer representative to the Board of Governors was preserved. Comments were solicited from all Spring Summit attendees, local bar associations, and barrister groups, with the CYLA board and one other individual submitting comments.</p>	<p>In 2008 the General Fund operating budget for CYLA was \$82,962 with staff support provided by Bar Relations Outreach (BRO) staff, at .20 FTE BRO Director and .20 FTE BRO Project Coordinator.</p> <p>The original 2009 proposed General Fund operating budget was \$103,148. The amended 2009 CYLA work plan and General Fund operating budget was \$152,308 (an additional allocation of \$49,160). The increased allocation included Increased staff support provided by Bar Relations Outreach (BRO) staff, at .50 FTE BRO Director and .50 FTE BRO Project Coordinator.</p>	<ol style="list-style-type: none"> 1. The selection of CYLA members was transitioned from an election process to a Board appointment process. 2. CYLA was expanded to 20 members, who are representative of the new lawyer constituents. (The new lawyer "constituents" will be defined using the current criteria, e.g. attorneys age 36 and under or attorneys in practice for 5 years or less.) 3. C YLA bylaws were converted into an official Mission and Charge, consistent with State Bar structure and format for other appointed entities, subject to Board of Governors approval. 4. CYLA continued electing one new lawyer representative to a voting seat on the Board of Governors. 5. California Young Lawyers Association will retain its current name.

Past State Bar Strategic Initiatives

Initiative	Cost	Outcome
CYLA (2007 – 2008)		
<p>At the January 2008 Board Retreat, the Board discussed the recommendations in the CMG report but only agreed to one change in CYLA’s structure – to change CYLA to an appointed rather than elected body. The Board also agreed that the CYLA name would not be changed. At the May 2008 Board meeting the final approvals were provided for the restructuring, in June 2008 approved the CYLA work plan and adjusted budget, and in September 2008 approved the new mission and charge and appropriate rules and procedures aligning CYLA with the other State Bar appointed entities.</p>		<p>6. CYLA will continue to create and implement annual work plans as a means of assessing budgetary needs, accountability and accomplishments.</p>

Initiative	Cost	Outcome
Task Force on Sustainable Practice (2007-2008)		
<p>At President Jeff Bleich's request a State Bar Task Force on Sustainable Practice was created with a primary goal of increasing the environmental sustainability of law office practices in California and with secondary goals of educating California bar members about environmental sustainability and improving environmental performance of California courts.</p>	<p>\$5,000 was allocated to the 2008 State Bar Budget as a supplemental appropriation from an existing non-general fund monies; not a budget augmentation.</p> <p>The Task Force maximized use of telephone and video conferencing to reduce vehicle miles traveled and cost.</p> <p>Publication of the proposed State Bar of California Voluntary State Bar of California Lawyers Eco-Pledge and Voluntary Law Office Sustainability Policy is not expected to result in any significant implementation costs to the State Bar.</p> <p>However, implementation of voluntary sustainability programs by the State Bar, such as green meeting and conservation initiatives, often result in significant cost savings.</p>	<p>The Task Force held several telephone conferences, one in-person meeting in San Francisco, and communicated extensively by email with the understanding that the primary goal was the development of standards for environmentally sustainable law practice, to be disseminated to California State Bar members for voluntary adoption.</p> <p>The basic program is as follows: members, firms or law departments who have voluntarily opted to adopt and implement a California State Bar Law Office Sustainability Policy would be able to claim State Bar recognition through the licensing of a "tag line" and logo to be used in advertising and promotional materials, and perhaps would be eligible for other forms of State Bar recognition.</p>