

Board Committee on Operations
Referral List
May 13, 2010

Category I – Change in Date Only

May # 1

Recommendation to Supreme Court for Suspension of Members Delinquent in Payment of 2009/2010 State Bar Fees, Penalties and Costs
Billing cycle has been delayed this year due to the late mailing of the initial fee statement.

Responsible Staff: Peggy Van Horn and Ray Farrish

Recommendation: MIRS – ~~May 2010~~ **July 2010** BOG - ~~May 2010~~ **July 2010**

May # 2

MCLE - Recommendation re Members in Non-compliance

MCLE Compliance cycle, which typically runs parallel with the Billing Cycle, has been delayed this year due to the late mailing of the initial notice/fee statement.

Responsible Staff: Dina DiLoreto

Recommendation: MIRS – ~~May 2010~~ **July 2010** BOG - ~~May 2010~~ **July 2010**

May # 3

State Bar Rule, Title 3. Programs & Services, Division 4. Consumers, Chapter 3. Lawyer Referral Services, Request of Approval for Public Comment

This item requests Board Committee approval to send out proposed revisions of the Rules and Regulations of the State Bar of California Pertaining to Lawyer Referral Services Including Minimum standards for a Lawyer Referral Service in California for public comment for a 45-day period. This is part of the ongoing process of revising State Bar rules. This item was set for May, but will not be ready until July.

Responsible Staff: Rodney Low

Recommendation: LSC: ~~May~~ **July/November**

BOG: ~~July~~ **November**

Category II – Possible Committee Reassignments

None

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

May # 4

Proposed changes to the Standards for Attorney Sanctions for Professional Misconduct

The Agenda Item proposes several changes to the current Standards for Attorney Sanctions for Professional Misconduct found in the State Bar's Rules of Procedure to clarify their application and to more closely reflect how they have been applied in actual case decisions and stipulations. The Agenda Item also adds to the factors to be considered in aggravation and mitigation.

Responsible Staff: Russ Weiner

Recommendation: DOC - May/July

BOG - July

May # 5

Santa Clara County Bar Association Rules of Procedure for Fee Arbitration

Request to approve new rules of procedure for fee arbitration following the State Bar's model rules of procedure.

Responsible Staff: Jill Sperber

Recommendation: DOC- May

BOG-N/A

May # 6

Solano County Bar Association Rules of Procedure for Fee Arbitration

Request to approve new rules of procedure for fee arbitration following the State Bar's model rules of procedure.

Responsible Staff: Jill Sperber

Recommendation: DOC- July

BOG-N/A

May # 7

North Santa Barbara Bar Association Rules of Procedure for Fee Arbitration

Request to approve single rule amendment to increase the dollar threshold for the amount in dispute to qualify for a three member panel.

Responsible Staff: Jill Sperber

Recommendation: DOC- May

BOG-N/A

May # 8

San Luis Obispo County Bar Association Rules of Procedure for Fee Arbitration

Request to approve single rule amendment to increase the dollar threshold for the amount in dispute to qualify for a three member panel.

Responsible Staff: Jill Sperber

Recommendation: DOC- May

BOG-N/A

May # 9

Proposed Revisions to the Rules of Procedure for Fee Arbitrations and the Enforcement of Awards by the State Bar of California-Request for Release for Public Comment

Request to release for public comment revisions to the rules of procedure for fee arbitration for the State Bar's fee arbitration program. These rule changes comport with the revisions approved by the Board in March 2010 to the State Bar's model rules of procedure. At that time, the Board also resolved, in an accompanying resolution, that any local programs that wished to update their rules by adopting the model rule changes could do so without submitting the changes to the Board for its approval as long as they were filed with the State Bar's Office of Mandatory Fee Arbitration. This collateral resolution inadvertently did not include a specific reference to the State Bar's own rules of procedure. As such, it was determined that these rule revisions are required to be released for public comment.

Responsible Staff: Jill Sperber

Recommendation: DOC- May/July

BOG-July

May # 10

Proposed amendments to Rules of Procedure of the State Bar of California.

The Rules of Procedure of the State Bar of California have been revised as part of ongoing efforts of The State Bar of California to clarify the organization and language of its rules. While there may be some substantive changes to the rules, the majority of the revisions are intended to simplify the language of the rules.

Responsible Staff: Colin Wong

Recommendation: DOC- May

BOG-May/July

May # 11

State Bar sponsored Life program, Term Premium Credit Increase

The Committee on Group Insurance Programs (COGIP) is recommending a reduction in the scheduled premium for members' franchise policies obtained through the State Bar Sponsored Life Insurance Program. Proposed is an increase of 5% in the Term Premium Credit (TPC). This will discount, by 50%, the original premium schedule for the members' franchise policies underwritten by American General Life Insurance Company. The proposed increase will be effective for policy anniversaries on and after July 1, 2010. Since the inception of the Life Insurance Program, there have been five TPC increases to reduce premiums for State Bar members, their spouses and domestic partners.

Responsible Staff: Starr Babcock

Recommendation: MIRS - May

BOG - May

May # 12

Proposed Amendment to Standards for Certification in Admiralty and Maritime Law re Alternative to the Exam - Request to Circulate for Public Comment

In addition to the standard written exam, permission to use alternative during the first two years of a specialty is permitted. The Board of Legal Specialization requests that the proposed alternative to the written examination be circulated for

a 45-day public comment period and that the final version be considered by the Board in July.

Responsible Staff: Gayle Murphy

Recommendation: MIRS – May/July

BOG – July

May # 13

Proposed New Specialty in Trademark Law and Appointment of Consulting Group

The Board of Legal Specialization is contemplating proposing a new specialty in Trademark Law. The first step in the process would be the creation of a Consulting Group to develop standards and the appointment of members to the Consulting Group.

Responsible Staff: Gayle Murphy

Recommendation: MIRS - July

BOG - July

May # 14

JNE Review Committee

The JNE Review Committee will present a status report to MIRS regarding their work to date.

Responsible Staff: Richard Rubin (BOG)

Recommendation: MIRS – May

May # 15

Commission on Judicial Nominees Evaluation; 2009 Activities and Statistical Report; JNE Statistical Report: Proposed Receipt for Filing

This item is a report on its activities and statistics that JNE makes to the LSC and the BOG annually.

Responsible Staff: Heidi Schwab-Wilhelmi

Recommendation: LSC- May

BOG - May

May # 16

Board and Board Committee Meeting Schedule

In 2007 and 2008, Board meetings began at 12:00 noon on Thursdays, ending no later than 5 p.m. on Fridays, eliminating the need for two nights of accommodations. President Sloan advocated this schedule so that both staff and the Board could travel on Thursday mornings and be in position for the 12:00 noon start of the Board Committee on Operations meeting. In 2009 the Board added a regular Saturday meeting to the schedule which required members of the Board and staff to overnight on Fridays, which increased the cost of Board meetings. This memorandum recommends that the length of Board meetings be reduced from three days to two.

Responsible Staff: Paul Kramer (BOG)

Recommendation: PPDB - May

BOG - May

May # 17

BOG Conflict of Interest Code Proposed Amendment, Release for Public Comment

As a follow up to the new processes regarding the Contracted Goods and Services item that was adopted in March, the Board's Conflict of Interest Code may need amendment.

Responsible Staff: Larry Yee

Recommendation: PPDP – May/July

BOG - July

May # 18

Role of the President/Role of the President-Elect

Business & Professions Code §6024 provides, except as to those duties set forth by statute, the Board of Governors (“Board”) may prescribe the duties of officers of the State Bar. This item proposes changes to the role of the President and adds language related to the President-elect. (Board Book, Tab 5 (Officers), Article 2, Section 1 (a) (b)). The changes relate to emphasizing the presidential focus on the Long Range Strategy; a required consultation with the Board Operations Committee about any material changes in the employment or performance of any senior executive; and a requirement that the President-Elect consult with the Board Operations Committee on proposed committee chairs, liaisons, and appointments to committees.

Responsible Staff: Patti White (BOG)

Recommendation: PPDP - May

BOG - May

May # 19

Ad Hoc Committees; Board Committee Governance Structure; Composition of the Board Operations Committee

At its April 27 meeting, the Governance Committee (1) considered guidelines that would apply to any ad hoc committee, special committee, task force or other working group of the board outside of the structure of the board standing committees (“Ad Hoc Committee”); (2) expressed a preference that the Board’s governance structure be comprised of five standing committees and a Board Operations Committee; and that the composition of the Board Operations Committee be as reflected in its original charter. This memorandum recommends the guidelines that will apply to “Ad Hoc Committees,” a five standing committee plus Board Operations governance structure, and affirms the composition of the Board Operations Committee.

Responsible Staff: John Streeter (BOG)

Recommendation: PPDP - May

BOG - May