



THE STATE BAR OF CALIFORNIA

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DATE: JUNE 12, 2010

TO: PATTI WHITE, PLANNING, PROGRAM DEVELOPMENT AND BUDGET
COMMITTEE CHAIR

FROM: JON STREETER

RE: ORIENTATION FOR NEW GOVERNORS

With assistance from Starr Babcock, I have put together the following proposed plan for a revamped new Governors' orientation. I would like to present this plan at the upcoming Planning Committee meeting, and, if it is acceptable and adopted by the board, we would begin intensive preparation in August for the first orientation, to be calendared on date in early to mid-September, before the annual meeting.

Overall Concept

Because the State Bar is such a complex organization, new Governors typically must "learn on the job," and as a result, most of us will attest that it takes at least a year or more before we feel comfortable participating in the work of the board in a meaningful way. To some extent, this is natural and unavoidable. But to help speed the learning curve, and just as importantly, to give each new Board member the opportunity to develop a sense of shared mission -- a dedication to the overall purposes and goals of the organization -- it would be helpful to have a much more intensive training session for first year members than has previously been available. The following is an outline of thoughts for this training.

Full-Day Session To Be Held Prior To Each Year's Annual Meeting

Each year's Planning Committee Chair, personally, or by delegation, will have responsibility to put on a full-day orientation session for new Governors. To give new Governors a "running start," we will calendar this session each year for a date between the announcement of the Governors in July and the annual meeting. In-person attendance by new Governors, the newly elected President and the Executive Director will be mandatory. All other Governors are encouraged to attend. The curriculum will be designed as a broad tutorial on the structure and governance of the State Bar, its statutory mission, and its strategic plan.

Teaching Model

Faculty for the orientation will be drawn primarily from newly selected Committee Chairs and outgoing third-year Governors, and must include at least one experienced public member, preferably two. Former Governors, visitors from the executive, legislative and judicial branches, and selected members of staff having special areas of expertise may be included on the faculty.

The location of the training session will be at the State Bar offices in either San Francisco or Los Angeles.

We will follow our usual mode of providing administrative support. The Executive Director will designate a lead staff member to support the annual orientation (e.g. to carry out tasks such as preparation of written materials and presentations, scheduling and logistics). Although the orientation will be led primarily by Governors, maximum collaboration with staff is encouraged - including co-presentation -- in order to tap the “institutional memory” that many staff members have, and to demonstrate the skills and competence of staff to new Governors so that they immediately begin to see staff as a critical resource for assistance.

To the extent possible, the format of each year’s orientation will follow a standard template, based on presentation materials that are maintained on hand and updated each year. The delivery of the materials will be through a series of discrete topics of approximately 60 to 70 minutes in length, with at least a quarter to half of the time devoted to a question- and-answer period or other methods of eliciting audience participation. We will conclude each orientation with a dinner.

Curriculum

Following are some tentative ideas:

State Bar 101

- What does it mean to serve on a board that is an Article VI public corporation within the judicial branch?
- Some history, going back to 1927, early local discipline committees, the 1980’s and “The brethren” scandal, the 1988-89 Presley bill to enhance resources and staff of the State Bar discipline system, and the first professional court.
- 1982 to 1990 --Keller, the 1996 plebiscite, the 1997 veto, the Hirschberg AB 1669, Schiff SB 114 legislation, Brosterhous v. State Bar, ABA 2001 report, Supreme Court Committee on Attorney Discipline.
- Who is the “boss” of the State Bar? Legislature, Supreme Court, members, public, local bars, district constituents?
- Legislature— license fees and the legislative process, how to participate without portfolio or financial influence.
- Supreme Court—In Re Attorney Discipline (1998) and the shared delegation of power with the legislation over admission and discipline.
- Public as constituency and the importance of the State Bar to maintain lawyers as members of a learned profession charged with the public trust.
- Local bars and the Conference of Delegates—the uneasy relationships.
- The role of each Governor—representation of District “constituents” vs overall stewardship of the bar as a whole

FAQs: Day-to-Day Questions Concerns That New Governors May Have

- Committee assignments and workload
- Administrative matters (i.e. reimbursement, mail, key dates to calendar)
- The board legislative process and the importance of using staff experience and assistance.
- Life between board meetings – (yes it's ok to go have a life and go about your business.)
- Preparation for the board meetings—read the materials and consult with colleagues and staff if you have questions
- Confidentiality and external communications (i.e. dealing with the press)

Board Governance, The Mission of the Bar, The Strategic Plan, And the Budget

- The committee structure, committee chairs
- The executive director, the senior staff, and the role of staff
- Legal background: The State Bar Act, the B&P Code, and the Board Book
- Open meeting and public records obligations
- Judicial branch partners count on stability and support of mutual programs that benefit the administration of justice
- The Strategic Plan
- The budget and the budgeting process
- Governance must be consistent from year to year and not situational to a new president's perception of immediate needs or personal views.

Key statutory mandates and standing committees

- JNE
- Committee of Bar Examiners
- Lawyer Assistance Program
- Client Security Fund
- Mandatory Continuing Legal Education

Discipline

- 80% of the money and resources for about 2% of the lawyers.
- Plenary power of Supreme Court and delegated administrative prosecution and adjudication of discipline cases
- Time line for a discipline case
- Facts and urban legend about the discipline process

So you want to be President?

- Role of the President
- Every third-year is eligible
- Up to each Governor to decide, but every President will tell you it is not for everyone
- Not just a ceremonial position: Crisis management, unexpected extraordinary demands, and the challenges of leadership with a one-year term
- Electoral process