



# THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CA 94105-1639

Appointments Office: 415-538-2299

## **SEPTEMBER 151**

2010 – 2011 Planning Document  
Volunteer Involvement Committee

### **2010 – 2011 PLANNING DOCUMENT VOLUNTEER INVOLVEMENT COMMITTEE BOARD OF GOVERNORS, STATE BAR OF CALIFORNIA**

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#### **1. Purpose of Committee:**

VIC is charged with the review of the non-disciplinary appointment recommendations for all State Bar sub-entities and external groups. VIC is also tasked with fashioning strategies for building and maintaining effective working relationships with the State Bar's sub-entities and for building and maintaining productive relationships between the State Bar and its members (see Charter, SEPTEMBER 116).

The appointment process is cyclical, with the board review determined by the term's end date and the board's meeting schedule. Attached are a description of the process (see Attachment 1), the list of annual board appointments (see Attachment 2), and the 2010-2011 Appointment Review Schedule (see Attachment 3).

At this time, there are approximately 58 State Bar and external entities that have appointments made by the Board of Governors (see Description of the Appointment Process, Attachment 1). All appointments are considered on Closed Consent unless there are policy issues to be considered or a VIC member requests discussion of the item.

For five of entities—ABA, Judicial Council, Committee of Bar Examiners, Commission on Judicial Nominees Evaluation (JNE) and the LAP Oversight Committee—VIC members review and rank the applications. In addition, a VIC subcommittee is assigned the task of interviewing the officer candidates (or applicants if necessary) for these five entities (see Attachment 4). If there is only one candidate for the position, VIC may waive the officer interview.

For all other entities, VIC reviews the recommendations submitted by the entity, based upon the entity's established procedures and consistent with State Bar policies (e.g., service terms, diversity, discipline status, etc.).

Appointments Office: The Appointments Office oversees the program for appointment of volunteer members to State Bar committees and external groups. The office works with the Board and committees to establish guidelines and procedures to ensure compliance with Board policies and statutory provisions.

## **2. Goals for the Committee for the 2010-2011 Board Year:**

Please see the attached proposed 2010-2011 Appointment Review Schedule, including application deadlines and the list of agenda items by date of meeting (Attachment 3) and the proposed VIC inventory (Attachment 4). Other goals of the committee include:

- Execute appointments processes that encourage participation that is consistent with the Bar's mission (public protection and the betterment of the profession)
- Evaluate the current incarnation of the appointment application and related materials and, where necessary, refine those items to promote efficiency and to better serve the appointments process
- Evaluate the way in which committee vacancies are publicized by the Bar and, where necessary, similarly refine those
- Evaluate efficiencies in the appointment process, and where possible and appropriate, suggest and implement improvements
- Expand efforts to develop a strong and diverse applicant pool
- In consultation with SRC and State Bar staff, discuss the role VIC may have in promoting lawyer involvement in pro bono and access to justice efforts
- Develop a VIC "manual" or monograph that VIC members may use as an easy reference for the appointments calendar, description of the committees, policies, etc.
- Address the appointment and volunteer involvement issues that have resulted in criticism of VIC and/or State Bar.

ATTACHMENT 1  
DESCRIPTION OF THE VIC  
ANNUAL APPOINTMENT PROCESS

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**BACKGROUND**

The Board has charged the Board Committee on Volunteer Involvement (VIC) with the review of non-disciplinary appointment recommendations to 50+ State Bar sub-entities and external groups (see Attachment 1).

The appointment process is cyclical, with the board review determined by the term's end date and the board's meeting schedule. Most appointments must be made between March and July, and therefore, the bulk of the VIC appointment review will occur during these months.

Annual pt for outreach issues and policy discussions, the appointment issues for VIC will be conducted in closed session. Only the Board of Governors is authorized to make the appointments, and every appointment is confidential until the full Board makes the appointment. In addition, the fact that someone applied for appointment is confidential. Information concerning applications is released only to those involved in the appointment process such as board members and authorized committee members and staff.

State Bar committee appointments are governed by the Board's appointment policies and procedures (found in the Board Book at Tab 15) and by statutory provisions. The appointments to external groups are governed by the policies of the external organization and by Board policy.

Attached are the list of State Bar and external entities (Attachment 2), and the schedule for the coming year (Attachment 3).

**TYPES OF APPOINTMENTS**

**A. Interim Appointments**

Interim appointments are appointments to fill unexpected mid-year vacancies and they differ from regular appointments in that the terms of become effective immediately and retain the original expiration dates of the members being replaced (i.e., those appointed to these positions fill only the remaining portion of the term). The vacancies are generally due to members who've resigned or declined an appointment.

Interim appointments occur throughout the year, but the most appear on the November, January, and March agendas.

Generally, about 6% of the State Bar committee members are unable to continue to serve or to make the time commitment because of a change in job or personal circumstances. Depending on the specific circumstances, for these appointments, Board policy permits committees to recommend an applicant from the most recent applicant pool or a newly recruited applicant. Applicants filling unexpired terms of one year or less are eligible for reappointment to a full three-year term.

Interim appointments are considered on the consent agenda unless there are policy issues to be considered or a board member requests discussion of the item.

## **B. Annual Appointments to Standing, Special and Section Executive Committees**

February 1, 2011 is the application deadline for most standing, special and section executive committees. All applications and letters of recommendation must be submitted to the Appointments Office for processing. The applications, instructions and policies are distributed to the individual committees no later than March 1.

Committee Review March 1 - April 12. For most committees, either the committee's leadership and/or a nominating sub-committee initially review the applications. The committees review all aspects of the application, weighing the qualifications of the applicant, the letters of recommendation, the committee's requirements and needs for the coming year, and the Board's policies regarding appointment.

By mid-April (April 12), each committee chair submits a ranking of the new applicant pool and a letter to VIC describing the committee's nominations for officers, reappointments (if any), and new members. Upon receipt of the committee's recommendation, staff reviews the nominations for potential policy conflicts (e.g., same firm, prior service, discipline, or nomination to more than one committee) prior to distribution to VIC for review.

Unless there is a policy issue or a request from a VIC member to discuss a particular committee's recommendations, all annual committee recommendations are placed on the VIC Closed Consent agenda.

## **C. Annual Appointments Requiring Application Ranking by VIC Members**

Pursuant to historical practice and the Board's adopted procedures, VIC reviews and ranks applicants for the following entities. The time frame for VIC members to rank the applications for 2011 are also noted below

1. ABA House of Delegates (Feb 7-Feb 25, 2011)
2. Judicial Council (Feb 15-Feb 28, 2011)
3. Committee of Bar Examiners (June 2011)
4. Commission on Judicial Nominees Evaluation (June 2011)
5. JNE Review Committee (June 2011)

VIC members typically will have two to three weeks after receiving the applications to review and rank the applications for the above entities. The rankings are submitted to the Appointments Office and then compiled for discussion and final action at the next VIC meeting.

In addition, for the State Bar committees (CBE, JNE, and LAP), prior to the VIC meeting, the VIC subcommittee may schedule its interviews of the chair and vice chair candidates, preferably in conjunction with a committee meeting.

- **CBE:** CBE reviews the applications and submits its written recommendation to VIC. VIC members review CBE's written recommendation and rank the applications, usually in June, with final action taken at the July meeting. The number of CBE vacancies varies between one and three seats each year. The officer interviews, if needed, are generally conducted

at the CBE June meeting in Pasadena. The CBE chair sits as a member of the VIC interview subcommittee.

- **JNE:** The application deadline for JNE is May 2, 2011. JNE terms are one year and the members typically serve three one-year terms. Each year the applicant pool consists of approximately 25 commissioners up for reappointment and 30-50 new applicants. In 2011, we expect a minimum of 13 positions for new members. In addition to the applications, VIC members receive a written recommendation and ranking from the JNE leadership. Historically, VIC has required one or more hours to select the final JNE slate, and therefore, an additional meeting may be required in either June or July for the JNE appointments. The JNE leadership is invited to this meeting to participate in the discussion.
- **JNE Review Committee (RJNE):** Current JNE rules provide for the appointment of a three-member Review Committee (RJNE) to review requests for reconsideration of the JNE Commission rating of "not qualified." RJNE presently consists of three members: one former lawyer member of the JNE Commission, one former public member of the JNE Commission, and one Board member who must also be a current liaison to the JNE Commission. The committee focuses its investigation on possible violations of the rules of procedures; the committee does not evaluate the qualifications of the candidate. Members serve staggered three-year terms, and each serves as the Chair in his/her third year. In 2011, there will be a lawyer-member vacancy and the Board liaison seat will also be open. VIC members will rank the applications, which they normally receive in mid-June.

*Note: A proposed revision to the JNE Rules which would change the composition of the Review Committee is currently under review by Board Operations.*

- **LAP Oversight Committee:** The LAP terms are set by statute. Members serve four-year renewable terms and all terms expire on December 31. Because the committee membership must meet specific criteria set by statute and because of the extensive learning curve, members serve multiple terms. The State Bar appoints six of the 12 members, the Governor appoints four members and the Senate Rules Committee and the Assembly Speaker each appoint a member. Generally, there are one or two renewal appointments each year; in some years, such as in 2011, there are no member vacancies. For the officers, VIC appoints a subcommittee to conduct interviews. However, if there is only one candidate for chair or vice chair, the interviews may be waived.

In 2011, although there are no member vacancies, VIC will consider the chair appointment. In recent years, the chair interviews have been waived because there has only been one candidate for LAP chair. LAP currently does not have a vice chair.

- **ABA House of Delegates:** ABA and Board policies govern these appointments. The application deadline for the annual appointments to the ABA is February 1, 2011. The terms of five delegates expire in 2011, and pursuant to board policy, each of the five delegates are eligible for reappointment. The ABA House of Delegates is the policy-making body of the ABA, and pursuant to its rules, the State Bar appoints 11 delegates. The State Bar's delegates to the California delegation, which consists of approximately 24 other delegates appointed by ten local bar associations, ABA sections and divisions, and former officers and board members. The elected State Delegate, John L. McDonnell, Jr. of Oakland, currently heads the California delegation. The Bar does not reimburse its delegates for any expenses associated with their service in the ABA House of Delegates.

VIC members receive the applications in mid-February and will have approximately two weeks to review and rank the applicants. VIC will discuss the rankings and make its final recommendation at the March 4 meeting.

- **Judicial Council:** The Judicial Council is a state constitutional agency that provides policy direction to the courts, the Governor, and the Legislature concerning court practice, procedure and administration. The council consists of 27 members— four lawyer members appointed by the State Bar, the Chief Justice, fourteen judges appointed by the Chief Justice, one member from each house of the Legislature, and six advisory members, including representatives of the California Judges Association and state court administrative agencies. The four current State Bar's appointments to the Council are: Joel Miliband, Jim Penrod, Miriam Krinsky, and Edith Matthai.

The application deadline for the Judicial Council is February 1, 2011. This year the State Bar will have two appointments to make (replacing Joel Miliband and Jim Penrod). VIC members will have approximately two weeks to review and rank the applicants. VIC will discuss the rankings at the March 3-4 meeting. Depending on the results of the initial rankings, VIC may conduct applicant interviews. Should interviews be deemed necessary, they would normally be conducted prior to the May meeting, and VIC would make its final recommendation to the Board at the May meeting.

#### **D. Other Appointments**

- **Fee Arbitration Panel and Presiding Arbitrator** (November meeting)  
Each November, VIC also considers the appointments and reappointments to the Bar's fee arbitration panel, including the Presiding Arbitrator. The fee arbitration panel consists of approximately 350-400 volunteer lawyer and non-lawyer arbitrators. The arbitrators serve one-year terms, ending December 31. Arbitrators may serve as long as they meet the qualifications. The Committee on Mandatory Fee Arbitration recruits volunteers for the panel throughout the year, and a few new appointments generally are made at every meeting.
- **External Organizations**  
VIC also monitors the annual or bi-annual appointment recommendations for certain external organizations whose bylaws or rules require that the State Bar appoint one or more of its members. The appointments to these groups are governed by the by-laws and policies of the external organization. These organizations and the dates their appointments come before VIC are:
  - California Bar Foundation Board of Directors (November meeting)
  - Center for Civic Education Board of Directors (July meeting)
  - Law School Council (July meeting)
  - Legal Services Corporation (LSC) Boards of Directors for five entities:
    1. Legal Services of Northern California (LSNC) (Nov 2010, March 2011)
    2. California Indian Legal Services (CILS) (March 2011)
    3. California Rural Legal Assistance (CRLA) (no appointments in 2011)
    4. Legal Aid Foundation of Los Angeles (LAFLA) (no appointments in 2011)
    5. Legal Aid Society of Orange County (LASOC) (no appointments in 2011)

## **E. Awards**

Each year, CYLA, the Committee on Delivery of Legal Services Committee (SCDLS), the Council on Access and Fairness (COAF), and the Witkin panel solicit nominations for annual awards recognizing outstanding achievements of individual California lawyers, law firms, and/or bar associations. The awards are presented at the Awards Ceremony at the Annual Meeting.

Between January and May, each group solicits nominations, reviews the nomination materials, and selects the recipients. VIC and the Board consider the award nominations at their May and July meetings. The names of those nominated for the awards and the names of the recipients are confidential until the Board formally approves the selections.

The current awards are:

- **Diversity Awards (Council on Access and Fairness)**  
Award recognizes to recognize exemplary efforts by an attorney, law firm and bar association to increase diversity in the legal profession.
- **Education Pipeline Award (Council on Access and Fairness)**  
Award recognizes recognize education pipeline programs that increase student awareness about the judicial system and promote careers in the law.
- **Jack Berman Award (CYLA)**  
Award recognizes the achievements in public service of a young lawyer or a lawyer who is in their first five years of practice.
- **Loren Miller Legal Services Award (Standing Committee on Delivery of Legal Services)**  
A lifetime achievement award is given annually to a lawyer who has demonstrated long term commitment to legal services and who has personally done significant work in extending legal services to the poor.
- **President's Pro Bono Awards (Standing Committee on Delivery of Legal Services)**  
Award recognizes outstanding pro bono contributions by California attorneys in a variety of practice settings.
- **Witkin Medal of Honor (Witkin Selection Panel)**  
The award recognizes both lawyers and non-lawyers whose outstanding contributions and achievements have enriched the legal profession and exalted the science of jurisprudence.

ATTACHMENT 2  
List of Annual Board Appointments  
to State Bar and External Entities

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Standing Committees

1. Administration of Justice, North and South (CAJ)
2. Alternative Dispute Resolution (ADR)
3. Appellate Courts (CAC)
4. Committee of Bar Examiners (CBE)
5. Delivery of Legal Services (SCDLS)
6. Federal Courts (CFC)
7. Group Insurance Programs (COGIP)
8. Professional Liability Insurance (COPLI)
9. Mandatory Fee Arbitration (CMFA)
10. Professional Responsibility and Conduct (COPRAC)

Section Executive Committees

11. Antitrust and Unfair Competition
12. Business Law
13. Criminal Law
14. Environmental Law
15. Family Law (FLEXCOM)
16. Intellectual Property Law
17. International Law
18. Labor and Employment Law
19. Law Practice Management and Technology (LMPT)
20. Litigation
21. Public Law
22. Real Property Law
23. Solo and Small Firm
24. Taxation
25. Trusts and Estates
26. Workers Compensation Law

Special Commissions, Boards and Committees

27. California Board of Legal Specialization (BLS) and its Advisory Commissions and Consulting Groups
28. Admiralty and Maritime Law Advisory
29. Appellate Law Advisory
30. Bankruptcy Law Advisory
31. Criminal Law Advisory
32. Estate Planning Trust and Probate Law Advisory
33. Family Law Advisory
34. Franchise and Distribution Law Advisory
35. Immigration and Nationality Law Advisory
36. Legal Malpractice Law Advisory

ATTACHMENT 2  
List of Annual Board Appointments  
to State Bar and External Entities

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- 37. Taxation Law Advisory
- 38. Workers Compensation Law Advisory

Special Commissions, Boards and Committees (continued)

- 39. California Commission on Access to Justice
- 40. California Young Lawyers Association (CYLA)
- 41. Client Security Fund (CSF) Commission
- 42. Continuing Education of the Bar (CEB) Governing Committee
- 43. Council on Access and Fairness (COAF)
- 44. Judicial Nominees Evaluation (JNE) Commission
- 45. JNE Commission's Review Committee (RJNE)
- 46. Lawyer Assistance Program (LAP) Oversight Committee
- 47. Legal Services Trust Fund Commission

Other / External Entities

- 48. State Bar Fee Arbitration Department
- 49. ABA House of Delegates
- 50. California Bar Foundation Board of Directors
- 51. Center for Civic Education Board of Directors
- 52. Judicial Council
- 53. Law School Council

*Legal Services Corporation (LSC) Governing Boards:*

- 54. California Indian Legal Services (CILS) Board of Directors
- 55. California Rural Legal Assistance (CRLA) Board of Directors
- 56. Legal Services of Northern California (LSNC) Board of Directors
- 57. Legal Aid Foundation of Los Angeles (LAFLA) Board of Directors
- 58. Legal Aid Society of Orange County (LASOC) Board of Directors

ATTACHMENT 3  
2010-11 Appointment Review and VIC Calendar

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**October - November 2010**

- Application information and form available at the State Bar Web site
- Recruitment notices published in *California Bar Journal*
- Application information distributed to committee chairs, staff and Board

**November 18-20, 2010 (San Francisco – BOG Planning Meeting)**

*Open Agenda*

- Assignment of Subcommittee Members
- Report on the VIC schedule for 2011 and the appointment process
- Reports regarding outreach and contacts with committees (if any)

*Closed Agenda*

- Fee Arbitration Panel and Presiding Arbitrator (annual appointments)
- California Bar Foundation Board of Directors (annual appointments)
- Commission on Access to Justice (annual officer appointments)
- Legal Services of Northern California (annual appointments)
- Interim appointments

**January 6-7, 2011 (San Francisco—BOG Meeting)**

*Open Agenda*

- Report from Council on Access and Fairness re Outreach
- Reports regarding outreach and contacts with committees (if any)

*Closed Agenda*

- Interim appointments
- Fee Arbitration (new member appointments)

**February 1, 2011**

- Application Deadline for ABA House of Delegates, Judicial Council, and State Bar Standing, Section Executive, and Special Committees

**February 7 - 25, 2011**

- VIC members review and rank ABA and Judicial Council applications

ATTACHMENT 3  
2010-11 Appointment Review and VIC Calendar

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**March 3-4, 2011 (Los Angeles – BOG Meeting)**

*Open Agenda*

- Reports from subcommittees and from members regarding outreach and contacts with committees (if any)

*Closed Agenda*

- ABA House of Delegates
- Judicial Council
- Interim appointments
- Fee Arbitration (new member appointments)
- Legal Services of Northern California (annual appointments)
- California Indian Legal Services (annual appointments)

**March–April 12, 2011**

- State Bar committees meet to review applications for new members and to nominate officers for 2011-2012

**May 2, 2011**

- JNE Application deadline

**May 12-13, 2011 (San Francisco – BOG Meeting)**

*Open Agenda*

- Reports from subcommittees and from members regarding outreach and contacts with committees (if any)

*Closed Agenda*

- Annual Committee Appointments for 2011-2012. Review for 40+ Committees
- Law School Council (annual appointments)
- Annual Awards: Education Pipeline Award and Diversity Awards

**June - July 2011**

- VIC members review applications to CBE, JNE and JNE Review Committee
- Subcommittees (JNE, CBE and/or LAP) conduct chair and/or vice chair interviews as needed (dates to be determined). The CBE subcommittee includes the current CBE chair
- Potential interviews of JNE applicants (if needed)

ATTACHMENT 3  
2010-11 Appointment Review and VIC Calendar

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**July 21-22, 2011 (Los Angeles – BOG Meeting)**

*Open Agenda*

- Annual statistical report re the 2011 appointments
- Outreach and contacts with committees (if any)

*Closed Agenda*

- Commission on Judicial Nominees Evaluation (2012 Commission)
- Review Committee, JNE Commission (annual appointments)
- LAP officer appointments [*no member vacancies this year*]
- Remaining standing, special and section executive committee annual appointments for 2011-2012
- Annual Awards: President's Pro Bono Award; Loren Miller Legal Services Award, Witkin Medal of Honor, and Jack Berman CYLA Award
- Legal Services of Northern California (annual appointments)
- Center for Civic Education Board of Directors (annual appointment of two BOG members)

**August-September 2011**

- Committees update their recruitment descriptions for the 2012-2013 appointments
- Annual Meeting, September 14-18, 2011, Long Beach

ATTACHMENT 4  
VIC MEMBERS AND SUBCOMMITTEE ASSIGNMENTS 2010-11

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**VIC Members**

1. Angela Joy Davis, Chair
2. Cheryl L. Hicks, Vice Chair
3. James H. Aguirre
4. Joseph L. Chairez
5. William H. Gailey
6. Patrick M. Kelly
7. Loren Kieve
8. Micha Star Liberty
9. Wells B. Lyman
10. Gretchen M. Nelson

**Subcommittees:** VIC has four subcommittees which conduct officer interview for four State Bar committees. If a committee has only one candidate for a position, the VIC subcommittee may waive the interviews. The four subcommittees are:

- (1) **Commission on Judicial Nominees Evaluation (JNE)** Officer Interview  
Date of interviews: June-July 2011 (date to be determined)
- (2) **Committee of Bar Examiners (CBE)** Officer Interviews  
Date of interviews: June-July 2011 (date to be determined). CBE Interviews normally are conducted either in conjunction with the CBE's June meeting at the Los Angeles State Bar office or the Board's July meeting.
- (3) **Lawyer Assistance Program (LAP) Oversight Committee**  
Officer Interviews  
Date of interviews: June 2011 (date to be determined)
- (4) **Judicial Council**  
If needed, interviews of top-ranked applicants  
Date of interviews: March-May 2011 (date to be determined)