

**STATE BAR OF CALIFORNIA  
EXECUTIVE DIRECTOR  
CHIEF TRIAL COUNSEL**

**CONSTITUENCY COMMENTS**

***INTRODUCTION***

You have been selected at random or have requested the opportunity to provide comment to be included in the annual performance evaluation of the Executive Director or Chief Trial Counsel. The enclosed form will indicate whether your comment is on the Executive Director or the Chief Trial Counsel.

***BACKGROUND***

**Executive Director:** By Board action, the Executive Director of the State Bar of California is subject to an annual review. The Board Operations Committee has been delegated the task of conducting the performance evaluation of the Executive Director. The Committee is chaired by the Board President, and is staffed by the State Bar's Office of Human Resources. Recognizing that the Executive Director's performance affects a wider range of constituencies than the Board itself, the Board Operations Committee is giving State Bar constituencies the opportunity to provide comment to the Board regarding the performance of the Executive Director.

**Chief Trial Counsel:** Under Board policy, the Executive Director is responsible for evaluating the performance of all State Bar staff. The Chief Trial Counsel position is unique. Under Business & Professions Code Section 6079.5, the Board appoints the Chief Trial Counsel who serves for a term of four years. The Board has delegated to the Executive Director the selection of the Chief Trial Counsel, which is then acted upon by the Board. The appointment is subject to the confirmation of the State Senate. The Chief Trial Counsel, by statute, reports to the discipline system oversight committee of the Board and, in connection with the exercise of prosecutorial discretion, does not report to the Executive Director.

At the recommendation of the Executive Director, because of the uniqueness of the Chief Trial Counsel position, the Board, through its discipline oversight and Board Operations Committees, has undertaken the responsibility for conducting the Chief Trial Counsel's evaluation. The review of the Chief Trial Counsel will be presided over by the Chair of the Board Committee on Regulation Admissions & Discipline (RAD). Recognizing the public nature and accountability of the Chief Trial Counsel's role, the RAD Committee is giving State Bar constituencies the opportunity to provide comment to the Board regarding the performance of the Chief Trial Counsel.

## **PROCESS/INSTRUCTIONS**

The Board Operations and RAD Committees are publically announcing that any interested constituents wishing to provide comment to the process may do so. The Committees are also randomly targeting constituency representatives specifically seeking comments.

The enclosed Constituency Comment form identifies whether your comments are relevant to the Chief Trial Counsel or Executive Director. You may use this form in providing your comments. You may also submit a more narrative response if you deem it appropriate.

Your comments are to be returned no later than **June 15, 2007**, addressed to:

**The State Bar of California  
Office of Human Resources  
ED/CTC Evaluation Process  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1639**

A pre-addressed and postage-paid envelope is enclosed for your convenience.

All communications pertaining to the evaluation process are strictly confidential. Board policy provides in this regard:

**“The meetings of the Committee and all information obtained in the course of the evaluation proceedings shall be confidential, and shall not be disclosed except as otherwise provided herein. Sufficient disclosure shall be made to the evaluatee on request to assure a full and fair opportunity to respond to evaluation material, except that the identify of the persons providing evaluation material shall not be disclosed.”**

All comments will be maintained in confidence. It is required that commentors identify themselves in providing comments. However, the identity of any commentor will be maintained in confidence and not disclosed to the reviewee. A composite review reflecting the various comments without identifying their source will be provided to the Board and, in turn, discussed with the reviewee.

We hope you take advantage of this opportunity to provide meaningful input to this process. We also request that you return your evaluation comments to the above address by the deadline of **June 15, 2007**.