



THE STATE BAR OF CALIFORNIA

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DATE: October 28, 2010

TO: Governance in the Public Interest Task Force

FROM: Governance in the Public Interest Task Force Subcommittee on Drafting the Charge of the Task Force

SUBJECT: Governance in the Public Interest Task Force Charge

BACKGROUND AND PROPOSED CHARGE

On October 8, 2010, the Governance in the Public Interest Task Force Subcommittee on Drafting the Charge of the Task Force ("Subcommittee"), consisting of Jeannine English, Wells Lyman, Loren Kieve, met via conference call to discuss and draft the charge of the Task Force. Staff members Starr Babcock and Rick Zanassi were also present.

The essence of the proposed charge is to make public protection the highest priority, describe the Supreme Court and State Bar relationship, and lay out the specifics of the current governance model in order to determine what model best advances the goals of ensuring public protection and assisting the Supreme Court in its regulatory role. By referencing the statute and the case law in the charge there is an implicit recognition that the Legislature and the Supreme Court work collaboratively to run an efficient regulatory agency. The Subcommittee agreed that the following language accurately defined the charge of the Task Force:

Pursuant to Business and Professions Code section 6001.2, subdivision (b), the State Bar of California's Governance in the Public Interest Task Force ("Governance Task Force") is charged with making recommendations for enhancing and ensuring that public protection is the highest priority in the licensing, regulation and discipline of attorneys. Central to this charge is a review of the governance structure of the State Bar of California. The State Bar assists the Supreme Court in regulating the legal profession, works to improve the administration of justice and access to the courts, and provides services to assist attorneys. The Governance Task Force shall review the policy setting and governance model of the current State Bar of California Board of Governors. The Governance Task Force shall make recommendations as to whether the structure of the

Board, including its composition and the election process for the lawyer members, best advances the goals of ensuring public protection and assisting the California Supreme Court in the exercise of its statutory and inherent authority over the admission and discipline of attorneys of California. (See, e.g., *Obrien v. Jones* (2000) 23 Cal.4th 40; *In re Attorney Discipline System* (1998) 19 Cal.4th 582.)

RECOMMENDATION:

The Subcommittee recommends that the Task Force adopt the charge as presented.

PROPOSED TASK FORCE RESOLUTION:

Should the Task Force agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Governance in Public Interest Task Force hereby adopts the following, as the Charge for this Task Force:

Pursuant to Business and Professions Code section 6001.2, subdivision (b), the State Bar of California's Governance in the Public Interest Task Force ("Governance Task Force") is charged with making recommendations for enhancing and ensuring that public protection is the highest priority in the licensing, regulation and discipline of attorneys. Central to this charge is a review of the governance structure of the State Bar of California. The State Bar assists the Supreme Court in regulating the legal profession, works to improve the administration of justice and access to the courts, and provides services to assist attorneys. The Governance Task Force shall review the policy setting and governance model of the current State Bar of California Board of Governors. The Governance Task Force shall make recommendations as to whether the structure of the Board, including its composition and the election process for the lawyer members, best advances the goals of ensuring public protection and assisting the California Supreme Court in the exercise of its statutory and inherent authority over the admission and discipline of attorneys of California. (See, e.g., *Obrien v. Jones* (2000) 23 Cal.4th 40; *In re Attorney Discipline System* (1998) 19 Cal.4th 582.)