



GOVERNANCE IN THE PUBLIC INTEREST TASK FORCE

TASK FORCE REPORT

OPEN SESSION

Tuesday, November 9, 2010
10:00 a.m to 4:00 p.m.

State Bar of California
Board Room, 4th Floor
180 Howard Street
San Francisco, CA 94105

*Questions regarding any agenda item should be directed to the **Committee Coordinator, Starr Babcock at (415) 538-2070, or Chair, William Hebert at (415) 374-8370.** Committee members are requested to notify the Committee Coordinator as early as possible in advance of the meeting if they wish to remove any item/s from the consent agenda.*

Committee Members: Lowell Carruth, Wells Lyman, Jon Streeter, Angela Davis, Gwen Moore, Jeannine English, Judy Johnson, Gayle Murphy, James Towery, Beth Jay, Luis Rodriguez, Loren Kieve, Dennis Mangers, JoAnn Remke, Michael Tenenbaum

MEMBERS PRESENT: William N. Hebert, Lowell Carruth, Angela Davis, Jeannine English, Loren Kieve, Wells Lyman, Dennis Mangers, Gwen Moore, Luis Rodriguez, Jon Streeter, Michael Tenenbaum; Ex Officio: Beth Jay, Judy Johnson, Gayle Murphy, JoAnn Remke, James Towery

STAFF PRESENT: Starr Babcock, Rick Zanassi, Tracey McCormick, Cathy Torney, Amy Anderson, Bob Hawley, Saul Bercovitch, Mary Flynn, Nancy McCarthy

OTHER BOARD MEMBERS PRESENT: Joe Chairez, Patrick Kelly

GUESTS PRESENT: Joe Dunn, Jennifer Wada, Julianne D'Angelo Fellmeth, Diane Wu, Ed Howard, Don DeBenedictis

I. CHAIR'S REPORT

NO ACTION
TAKEN

The Chair welcomed everyone and thanked the Task Force for their research and work, which would be before them today. He then gave an outline of the plan for today's meeting, and attendees, both in person and on the telephone, introduced themselves.

II. REPORTS

A. Task Force Report of October 6, 2010 Meeting

NO ACTION
TAKEN

The Chair announced that the report from the last meeting was included in the agenda materials.

III. CONSENT

A. Task Force Timeline

ACTION
TAKEN

The Chair announced that the new meeting schedule was included in the agenda package and that the meeting dates chosen were those when the most Task Force members were available. Hearing no objection to keeping this on the Consent agenda, the schedule of meeting dates was deemed approved, as attached.

IV. ACTION

A. Task Force Charge

ACTION
TAKEN

Jeannine English, from the Charge of the Task Force Sub Committee, presented the proposed Charge, which was discussed, edited, and the following resolution was adopted.

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 protection of the public 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 (including the structure of the Board, its composition and the selection process for the members) to best advance 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 California attorneys. (See, e.g., *Obrien v. Jones* (2000) 23 Cal.4th 40; *In re Attorney Discipline System* (1998) 19 Cal.4th 582.)

A vote was taken and all members answered "Yes". The motion was approved unanimously.

V. DISCUSSION/INFORMATION

A. Other States' Governance Models – Report from Sub Committee

NO ACTION
TAKEN

Jon Streeter reported that the subcommittee looked at the structure, governance models and common features of the other States' Bars and found that the State Bar of California fits well within the norm. They had then looked at a report that had been presented to the Board Planning Committee last year that included challenges that can arise from the current Bar governance structure that might affect the protection of public interest. Thereafter, a discussion was held on the subject.

B. Other State Licensing Agencies – Report from Sub Committee

NO ACTION
TAKEN

Jeannine English reported that the subcommittee looked at other State licensing agencies that were predominantly under the Department of Consumer Affairs and they found that they all had a split between public and licensees serving on the their boards and that their meetings were subject to Bagley-Keene. They also looked at the Commission on Judicial Performance and the Regents of the University of California. Thereafter, a

discussion was held on the subject.

**C. Board of Governors Elections Costs and Member Participation–
Report from Chair**

NO ACTION
TAKEN

The Chair reported on the costs and member participation in the Board of Governors elections. He reported that member participation, though in some years has been higher, is generally low and that even the last election, which had an internet voting option, resulted in a low turnout. It was noted that this last election was not fully electronic, which may have had some effect. Thereafter, a discussion was held on the subject.

D. Next Steps-November 20 Task Force Meeting

NO ACTION
TAKEN

The next steps were discussed; that there would be another Task Force Meeting November 20, starting at 9 a.m. and ending at noon, that at that meeting, the Task Force would discuss the upcoming Public Hearings, the development of questions for the hearings and Bagley-Keene open/closed meeting rules.

The Task Force then discussed the concerns of the legislature which led to the creation of the Task Force and what they saw as the top challenges they would focus on in order to carry out of their charge.